



Regulation

of the

District of Columbia

TITLE AMENDMENT TO HORIZONTAL PROPERTY REGIME (CONDOMINIUM)
REGULATION NO. 74-26, REGARDING ESTABLISHMENT OF FEE SCHEDULE
FOR THE FILING OF PROPERTY REPORTS

-----Vice-Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized to make rules
2 and regulations with respect to Horizontal Property Regimes pursuant to the
3 provisions of Section 5-928 and to make regulations for the protection of lives,
4 limbs, health, comfort and quiet of all persons and the protection of all property
5 within the District of Columbia under Section 1-226, D. C. Code, 1973 edition,
6 as amended; and
7

8 WHEREAS, the Mayor-Commissioner has requested the District of Columbia
9 Council's consideration of an amendment to Regulation No. 74-26, enacted
10 October 18, 1974, to establish a fee schedule for the filing of property reports.
11

12 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
13 that:

14
15 Section 1. Section 3.2(d) of Regulation No. 74-26 is amended to read
16 as follows:
17

18 "(d) A copy of the property report and any amendments and supplements
19 thereto shall be filed with the Commissioner promptly upon preparation thereof.
20 The Commissioner is hereby authorized to establish a schedule of fees for the
21 registration of such property reports, and amendments and supplements thereto,
22 in such amounts as will be commensurate with the approximate cost to the
23 District of Columbia of such registration and services."
24

RECORD OF COUNCIL VOTE																	
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 2, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974

Edward B. Webb
Secretary of the City Council

Approved *Walter Washington*
Mayor-Commissioner

27 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
Edward B. Webb
Secretary of the City Council

Section 2. The amendment made by this regulation shall be effective immediately upon enactment.

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Regulation No. 74-42



December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE AMENDMENTS TO THE REGULATION TO ESTABLISH AND APPLY STANDARDS OF ASSISTANCE FOR PUBLIC ASSISTANCE APPLICANTS AND RECIPIENTS

Dr. Henry S. Robinson, Jr. Presents the following regulation:

1 WHEREAS, Section 233.20(a) of Title 45, Code of Federal Regulations,
2 provides that states must specify a state-wide standard expressed in money
3 amounts used in determining (a) the need of applicants and recipients and
4 (b) the amount of the assistance payment; and
5

6 WHEREAS, pursuant to the 1973 D. C. Appropriation Act, an increase in
7 the standard of assistance was duly approved by the District of Columbia; and
8

9 WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of
10 Reorganization Plan No. 3 of 1967, the District of Columbia Council is
11 authorized to establish rules regulations to carry out the provisions of the
12 District of Columbia Public Assistance Act of 1962, and to approve
13 regulations defining the amount of public assistance which any person shall
14 receive.
15

16 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
17 that:
18

19 Section 1. The provisions set forth in these amendments shall revoke
20 and void Sections 2 and 5(a) of Regulation No. 72-17, dated September 12,
21 1972.
22

23 Section 2. The standards of assistance, based on the February 1973 Cost-
24 of-Living Index, are set forth in the following table and include basic cost of
food, clothing, shelter, household and personal items, certain transportation
costs, and life insurance when paid by the Department of Human Resources.

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974

Edward B. Webb
Secretary of the City Council

Approved *Walter Washington*
Mayor-Commissioner

27 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:

_____ Date

Disapproved and returned to the City Council _____

_____ Mayor-Commissioner

_____ Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb
Secretary of the City Council

STANDARDS OF ASSISTANCE

This table shall be used as the basis for computing eligibility and payment levels for applicants and recipients of public assistance except for those persons with special living arrangements:

<u>Family Size</u>	<u>Requirement</u>	<u>85%</u>
1	181.00	\$153.85
2	226.00	192.10
3	286.00	243.10
4	349.00	296.65
5	403.00	342.55
6	474.00	402.90
7	544.00	462.40
8	601.00	510.85
9	661.00	561.85
10	718.00	610.30
11	758.00	644.30
12	814.00	691.90
13	852.00	724.20
14	898.00	763.30
15	932.00	792.20
16	978.00	831.30
17	1,073.00	912.05
18	1,098.00	933.30
19	1,121.00	1,028.50

Section 3. Policy for Determining the Amount of Public Assistance Payments

A. To determine the public assistance payment for an assistance unit, the Director of the Department shall subtract any available resources of the assistance unit (after applicable disregards) from the public assistance payment level based at 85% of the February 1973 costs in computing the amount of the payment.

B. The Director of the Department of Human Resources is hereby authorized to adjust upward the percentage rate of payment up to 100% of needs based on availability of funds. The Director of the Department of Human Resources is hereby further authorized to adjust the Standards of Assistance as may be indicated by the Bureau of Labor Statistics' most recent Cost-of-Living Index.

Section 4. This regulation shall take effect January 1, 1975.

Regulation No. 74-43



Enactment Date _____

Regulation of the District of Columbia

TITLE AMENDMENT TO INCOME AND FRANCHISE TAX REGULATIONS TO PERMIT CAMPAIGN CONTRIBUTION DEDUCTIONS FROM INCOME TAX

Chairman John A. Nevius _____ Presents the following regulation:

1 WHEREAS, Section 702 of Title VII of Public Law 93-376 authorizes
2 the District of Columbia Government to allow income tax credit in certain
3 circumstances to District of Columbia citizens for political campaign contri-
4 butions and in turn implementation of this authorization requires amendment
5 of the District of Columbia Income and Franchise Tax regulations.
6

7 NOW, THEREFORE, BE IT ENACTED by the District of Columbia
8 Council that:
9

10 Section 1. The Income and Franchise Tax Regulations of the District
11 of Columbia promulgated under the District of Columbia Income and Franchise
12 Tax Act of 1947 as amended, are hereby further amended as follows:
13

14 Section 6.8. Credit for Campaign Contribution.
15

16 (a) For the purpose of establishing the amount of the political
17 campaign contribution credit to be allowed, any individual
18 claiming the credit shall submit such information on such form
19 as the Commissioner may prescribe.
20

21 The credit shall not exceed the amount of any individual's
22 District of Columbia income tax liability.
23

24 Section 2. This regulation shall take effect immediately upon enactment.

RECORD OF COUNCIL VOTE																	
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 *Edward P. Webb*
Date Secretary of the City Council

Approved *Walter Washington* 27 DEC 1974
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
Edward P. Webb
Secretary of the City Council



Regulation

of the
District of Columbia

TITLE AMENDMENT TO SALES TAX REGULATIONS TO AUTHORIZE EXEMPTION OF CATEGORIES OF "LIVE" PERFORMANCES

Chairman John A. Nevius Presents the following regulation:

1 WHEREAS, Section 473, Part 6, Title IV of Public Law 93-407 exempts
2 from the application of the District of Columbia sales tax certain categories
3 of live performances and therefore requires the amendment of the District of
4 Columbia Sales Tax Act of 1949.

5 NOW, THEREFORE, BE IT ENACTED by the District of Columbia
6 Council that:

7 Section 1. The Regulations pertaining to the District of Columbia
8 Sales Tax Act of 1949 are hereby amended as follows:

9 Section 1213. Exemptions from Sales Tax on Admissions.

10 (1) The tax on admissions to public events does not apply to live
11 performances of ballet, dance, or choral performances, concerts
12 (instrumental and vocal), plays (with and without music), operas
13 and readings and exhibitions of paintings, sculpture, photography,
14 graphic and craft arts. It does apply to movies, circuses, burlesque
15 shows, sporting events, and performances or exhibitions of any other
16 type or nature. Charges for admission to trade, boat, sporting goods,
17 home, horse and dog shows are examples of taxable charges.

18 Charges for the use of recreational facilities by persons partici-
19 pating in athletic events and dues or initiation fees for admission
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RECORD OF COUNCIL VOTE																	
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974

Edward B. Webb
Secretary of the City Council

Approved *Walter Washington*
Mayor-Commissioner

27 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:

Date

Disapproved and returned to the City Council

Mayor-Commissioner

Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb
Secretary of the City Council

to social clubs are exempt from the tax.

Cover or minimum charges by restaurants and other establishments for the sale of food or drink are deemed to be part of the charges for food or drinks consumed on the premises and are not taxable as admissions.

(2) Discounts for Sales Agents.

If discounts are allowed sales agents as their compensation for making sales of tickets, such discounts shall be considered to be a selling expense which may not be deducted in determining the amount of the taxable receipts.

Section 2. This regulation shall take effect immediately upon enactment.

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Regulation of the District of Columbia

TITLE AMENDMENTS TO INCOME AND FRANCHISE TAX REGULATIONS
CONCERNING PROPERTY TAX AUDIT

Chairman John A. Nevius
Presents the following regulation:

1 WHEREAS, Part 4, Title IV of Public Law 93-407 requires the District
2 of Columbia government to institute a property tax credit on the income tax
3 of certain categories of low-income District of Columbia citizens, which
4 requirement in turn requires the amendment of the District of Columbia income
5 tax and franchise tax regulations.

6
7 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
8 that:

9
10 Section 1. The Income and Franchise Tax Regulations of the District
11 of Columbia promulgated under the District of Columbia Income and Franchise
12 Act of 1947, as amended, are hereby further amended as follows:

13
14 Section 6.7. Definitions

15
16 1. The word "utilities" means electric and gas furnished to the
17 lessee or tenant for lighting and cooking. It does not include
18 electricity or gas furnished for any other purpose, or water.

19
20 2. The term "household income" includes household gross income
21 received by all individual members of a household during the calendar
22 year while such individuals were members of the household; provided,
23 however, that it shall not include the first \$1,000 of the earned income
24 of each dependent while a member of the household.

3. The word "dependent" as used in Section 7 (J)(1) of Title VI

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974

Edward B. Webb
Secretary of the City Council

Approved *Harold Washington*
Mayor-Commissioner

27 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:

Date

Disapproved and returned to the City Council _____
Mayor-Commissioner

Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb
Secretary of the City Council

1 means any individual who meets the following tests:

- 2
3 (a) Receives over one-half of his or her support from the
4 claimant or his or her spouse.
5
6 (b) Is related to the claimant or his or her spouse as set
7 forth in Section 4(u) of Title I of the Act.
8

9 4. The word "Board" means the Board of Equalization and Review
10 for the District of Columbia established under the provisions of
11 Section 426(a) of Public Law 93-407.
12

13 5. The term "members of a household" means all members of
14 one household whether or not they are related; for example, two or
15 more unrelated individuals sharing an apartment constitute the
16 members of a household.
17

18 6. The term "gifts from nongovernmental sources" shall not
19 include any amounts received by a recipient who is required to
20 perform some act or render some service as a condition for the
21 receipt of the gift.
22

23 7. The term "dwelling house" means the structure where the
24 claimant resides or has his principal place of abode whether or
25 not he is domiciled in the District of Columbia.
26

27 8. The term "claimant" shall not include any individual who
28 is absent from his or her home or homes in the District of Columbia
29 for more than 180 days in the calendar year for which the claim is
30 made or any individual under 65 years of age who is claimed as a
31 dependent on any Federal, state, or District of Columbia income
32 tax return during the year for which a claim is made.
33

34 Section 6.7 (b) (5) Rent Paid for Utilities.
35

36 In any case where a claimant uses both electricity and gas,
37 but only one is included in his rent and is not separately stated,
38 the percent of rent deemed to be paid for utilities shall be:
39

- 40 (a) Six percent (6%), if the electricity is included
41 in the rent;
42
43 (b) Four percent (4%), if the gas is included in
44 the rent.
45

46 In those cases where the claimant is using electricity for
47 both lighting and cooking and the electricity is not separately
48 stated in his rental payments, the percent of rent deemed to
49 be for utilities shall be ten percent (10%).
50

51 Section 6.7 (e) (1) Use of Home for Business Purposes.
52

53 If a claimant or member of the household uses part of the
54 dwelling house for business purposes, or part of the dwelling
55 house is rented to someone who is not a member of the house-
56 hold, property taxes accrued or amount of rent used in determin-
57 ing property taxes accrued shall be reduced by the amount of the
58 deduction allowed or allowable for property taxes or rent on any
59 D. C. income or franchise tax return in determining the net income
60 of the business or the net rental income.

1 (2) Ownership of Two or More Dwelling Houses.

2
3 If a claimant owns two or more dwelling houses in the District
4 during the calendar year, property taxes accrued shall be determined
5 by multiplying by two the amount of first-half taxes ordinarily due and
6 payable in September of that year on the home resided in by the claimant
7 on July 1 of that year.

8
9 (3) Part-year Ownership of Dwelling House.

10
11 If a claimant owns his dwelling house in the District for a
12 part of the year and rents a dwelling house in the District for the
13 remainder of that year, the amount of the credit allowable under
14 this section shall be determined by adding the property taxes accrued
15 and rent constituting property taxes accrued that were paid during
16 that year; provided, however, that if the claimant rented two or more
17 dwelling houses during the calendar year for which the claim is made,
18 rent constituting property taxes accrued shall be determined by dividing
19 the rent paid pursuant to the last rental agreement by the number of
20 months rented and multiplying the result by the total number of months
21 any dwelling houses were rented by the claimant in the District during
22 that year.

23
24 (4) Multipurpose Building.

25
26 The Commissioner shall, upon the written request of a claimant,
27 determine the value of a claimant's home for purposes of determining
28 property taxes accrued when that home is an integral part of a larger
29 unit such as a multipurpose building or a multi-dwelling building.

30
31 Section 6.7 (f) Determination of Claimant.

32
33 (1) In case of the death of one of the parties to a joint return after
34 the claim is filed but before it is paid, the surviving spouse shall be
35 deemed to be the claimant if the home was held as tenants by the
36 entirety or as joint tenants.

37
38 Section 6.7 (l) Income Averaging.

39
40 Any individual making a claim for credit under this section may
41 elect to average his household gross income provided that he meets
42 all of the following tests:

43
44 (a) Has resided in the District of Columbia during all of the
45 year for which the claim is filed plus two preceding years.

46
47 (b) Was not claimed as a dependent on any Federal, state
48 of D. C. income tax return during the income averaging period.

49
50 (c) Had an increase in household gross income for the
51 year for which the claim was filed of thirty percent or more of the
52 average income for the two preceding years.

53
54 (2) In averaging his household gross income, the claimant will
55 add his household gross income for the year for which the claim is
56 made to the household gross income for the two preceding years and
57 divide the total by three.

58
59 The average household gross income determined from the fore-
60 going computation shall be the household gross income for the year

for which the claim is made.

Section 6.7 (p) Property Tax Credit Table.

The table to be provided by the Commissioner for determining the amount of the property tax credit shall be in increments of \$200 as to the amounts of household gross income and in increments of \$10 as to the amount of property taxes paid or rent constituting property taxes paid. The product indicating the amount of relief in each cell in such table shall be rounded to the nearest whole dollar.

Section 2. This regulation shall take effect immediately upon enactment.

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Regulation No. 74-46

December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION TO MODIFY THE TIME STANDARD FOR PROCESSING APPLICATIONS FOR PUBLIC AND MEDICAL ASSISTANCE

Dr. Henry S. Robinson, Jr. Presents the following regulation:

1 WHEREAS, regulations of the Department of Health, Education, and Welfare
2 (45 CFR 206.10(a)(3) (i and ii) require that state plans under applicable titles
3 of the Social Security Act provide for prompt decisions on applications for public
4 and medical assistance pursuant to time standards not in excess of 45 days or,
5 as to the disabled, 60 days; and
6

7 WHEREAS, Regulation No. 69-26 requires that action approving or
8 disapproving applications for public assistance be taken within thirty days;
9 and
10

11 WHEREAS, pursuant to paragraph (83) of section 402 of Reorganization
12 Plan No. 3 of 1967, the District of Columbia Council is authorized to approve
13 rules and regulations to carry out the provisions of the District of Columbia
14 Public Assistance Act of 1962.
15

16 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
17 that:
18

19 Section 1. Regulation No. 69-26, approved July 25, 1969, is amended as
20 follows:
21

22 (1) Section 1 of such regulation is amended to read as follows:
23

24 "Section 1. Applications for public and medical
assistance shall be approved or disapproved by the Department

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS				X		FOSTER		X				PARKER		X			
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974

Approved *Walter Washington* Date 27 DEC 1974
Mayor-Commissioner Secretary of the City Council

Enacted W/O signature of the Mayor according to ten day limitation rule: Date

Disapproved and returned to the City Council Date
Mayor-Commissioner

Readopted Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein
Edward S. Webb, Jr.
Secretary of the City Council

REGULATION 74-46

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of Human Resources with reasonable promptness. Such action shall be taken on applications for public assistance not in excess of forty-five days and on applications for medical assistance to the disabled not in excess of sixty days from the date the application is received to the date the applicant receives his first assistance payment or his Medicaid care or a notice of ineligibility, unless a delay is caused by unusual circumstances beyond the Department's control including those which are:"

- (a) wholly within the applicant's control;
- (b) beyond his control, such as hospitalization

or imprisonment; or

- (c) an administrative or other emergency that could not be reasonably controlled by the agency.

Section 2. Section 2 of such regulation is amended by striking out "thirty-day period" and inserting in lieu thereof "applicable forty-five or sixty-day period".

Section 3. Each applicant shall be informed of the Department's standard of promptness and of his right to a hearing if action is not taken within the specified period to grant assistance or to notify him of his ineligibility.

Section 4. This regulation shall become effective upon passage.

Regulation No. 74-47



Disapproved _____
Enactment Date _____

Regulation

of the

District of Columbia

TITLE AMENDMENTS TO THE HEALTH CARE FACILITIES REGULATION (COUNCIL REGULATION NO. 74-15) PERTAINING TO COMMUNITY RESIDENCE FACILITIES AND RELATED AMENDMENTS

Dr. Henry S. Robinson, Jr. Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized by § 1-226
2 D.C. Code 1973 ed., pursuant to Section 402(4) of Reorganization Plan
3 No. 3 of 1967 to make and enforce all such reasonable and usual police
4 regulations as may be deemed necessary for the protection of lives, limbs,
5 health, comfort and quiet of all persons and the protection of all property
6 within the District of Columbia; and
7

8 WHEREAS, the District of Columbia Council is authorized by § 47-2344
9 D.C. Code 1973 ed., pursuant to Section 402(391) of Reorganization Plan
10 No. 3 of 1967 to require licenses and regulate businesses which in the
11 judgment of the Council require inspection, supervision or regulation; and
12

13 WHEREAS, the District of Columbia Council is authorized by § 1-228
14 D.C. Code 1973 ed., pursuant to Section 402(5) of Reorganization Plan
15 No. 3 of 1967 to make building regulations; and
16

17 WHEREAS, the District of Columbia Council is authorized by § 6-118
18 D.C. Code 1973 ed., pursuant to Section 402(134) of Reorganization Plan
19 No. 3 of 1967 to promulgate rules and regulations to prevent and control the
20 spread of communicable diseases; and
21

22 WHEREAS, the District of Columbia Council is authorized by § 33-405
23 D.C. Code 1973 ed., pursuant to Section 402(262) to make rules and
24 regulations for the administration and enforcement of the Narcotics Drug

RECORD OF COUNCIL VOTE																	
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	
X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted																	

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974
Date

Edward B. Wells, Jr.
Secretary of the City Council

Approved _____
Mayor-Commissioner

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner 27 DEC 1974
Date

Readopted _____
Date

I hereby certify that this regulation is ~~true and~~ ^{has not been} adopted or readopted as stated therein.
Edward B. Wells, Jr.
Secretary of the City Council

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 ----of----

1 Act of June 20, 1938.

2
 3 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
 4 that:

5
 6 Section 1. The District of Columbia Health Care Facilities Regulation
 7 (Regulation No. 74-15) is hereby amended as follows:

8
 9 (1) In title I, section 3 insert the following new definitions in
 10 proper alphabetical position, and renumber the other definitions as necessary:

11
 12 "Community Residence Facility: A facility providing special services
 13 in addition to room and board to individuals age 18 and above who are able to
 14 perform the activities of daily living without assistance, or with minimal
 15 assistance but who desire or require a protective home-like environment
 16 because of physical, mental, familial, or social circumstances. The definition
 17 shall include but not be limited to facilities heretofore known as personal care
 18 homes and other facilities commonly known as adult foster homes, halfway
 19 houses, alternate residential placements, therapeutic residential communities,
 20 homes for the aged and homes for the blind. Correctional facilities shall be
 21 exempt from the scope of this title in so much as it can be shown that the legal
 22 status of the residents prohibits application of the requirements of the regulation".

23
 24 "Foster Home: A residence of six or fewer unrelated individuals
 25 including the residence director who shall reside within the home. "

26
 27 (2) In title I, section 3(14), strike "Supervised Personal Care Facilities"
 28 and insert in lieu thereof "Community Residence Facilities".

29
 30 (3) In title I, section 3(25), add the following: "In titles II
 31 through IV of this regulation, and where the provisions of titles V and VI of
 32 this regulation apply to residents of community residence facilities pursuant
 33 to title VII of this regulation, "patient" shall also be defined to include a
 34 resident of a community residence facility. "

35
 36 (4) Strike section 3(47) of title I and renumber the other definitions
 37 in that section accordingly.

38
 39 (5) In title II, section 1(c), add the following sentence: "A community
 40 residence facility which operates from more than one location may be licensed
 41 as a single facility upon approval by the Commissioner. "

42
 43 (6) In title II, section 1(f), strike the period at the end of the sentence
 44 and add the following: ", except that foster homes shall not be required to
 45 post licenses but shall have any license easily available to all city inspectors
 46 upon their request. "

47
 48 (7) In title II, section 4(a)(2), insert after the word "administrator"
 49 the words "or residence director".

50
 51 (8) In title II, section 4(c), strike the period and add the following:
 52 ", except that foster homes shall not be required to provide an annual budget,
 53 financial records or information concerning financial resources. "

54
 55 (9) In title II, section 7, strike in the heading to that section "and
 56 Judicial Review".

57
 58 (10) Title II, section 7(b) is amended to read as follows: "(b) Upon
 59 suspension of a license pursuant to section 6(d) of this title, the Commissioner
 60 shall immediately notify the licensee that the licensee may within 24 hours

1 following the suspension, request a hearing. Such hearing shall be conducted
 2 by the Commissioner within two calendar days following receipt of the request. "

3
 4 (11) In title III, section 3(a)(4), insert after "Administrator" the
 5 words "or Residence Director".

6
 7 (12) In title III, section 3(c), insert after the words "Acting Administrator"
 8 the following: ", Residence Director".

9
 10 (13) In title III, section 6 strike the designation "(a)" and in clause
 11 (3) insert after "and regulations and" in the third line, the following: ", when
 12 applicable, ".
 13

14 (14) In title IV add the following new section 2: "Section 2. In
 15 community residence facilities, married couples shall be permitted to share the
 16 same sleeping quarters. "
 17

18 (15) Add the following title VII:

19
 20 "TITLE VII. COMMUNITY RESIDENCE FACILITIES

21
 22 Section 1. Administrative Management

23
 24 (a) Residence Director - The facility shall have a
 25 Residence Director who may be the licensee-resident of the facility.
 26

27 (1) Qualifications

28
 29 (A) He shall be between the ages of 21 and 70
 30 years of age.

31
 32 (B) He shall be certified annually by a
 33 physician as being in good physical and mental condition.
 34

35 (C) The Residence Director shall be required
 36 to meet the following qualifications according to the size and program of the
 37 facility:
 38

39 (i) Each foster home Residence Director
 40 shall be questioned orally by the Commissioner as to his understanding of the
 41 requirements of this regulation and his ability to provide adequate care to
 42 residents within the home. In addition, he shall be willing to attend such
 43 courses of training as may be prescribed by the Commissioner at no cost or at
 44 minimal cost to the Residence Director.
 45

46 (ii) Residence Directors of facilities
 47 with at least 6 but no more than 30 residents shall meet the requirements of
 48 (i) except that the examination shall be oral and in writing.
 49

50 (iii) Residence Directors of facilities
 51 with more than 30 residents shall meet the requirements of (ii) and hold a
 52 bachelor's degree or have at least one year's paid experience in any field
 53 directly related and pertinent to the program or services of the facility.
 54

55 (2) Responsibilities of the Residence Director

56
 57 The Residence Director shall be responsible for the internal operation of the
 58 facility which shall include but not be limited to:
 59
 60

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1 (A) Supervision of the day-to-day operation of
2 the facility.

3 (B) Implementation of policies, practices and
4 procedures of the facility, including screening of prospective residents.
5

6 (C) Preparation of all reports and documents
7 required by the Commissioner.
8

9 (D) Preparation of budget and supervision of
10 financial matters.
11

12 (E) Supervision of the facility's health and dietary
13 standards and services and of its services relating to the education and welfare
14 of its residents.
15

16 (F) Maintenance of facility records and reports
17 relating to residents and finances.
18

19 (G) Supervision and direction of other employees of
20 the facility.
21

22 (3) The Residence Director of a foster home shall reside
23 within the facility. At no time shall the foster home be left unattended
24 overnight. The Residence Director shall not be employed outside of the home.
25

26 (4) In all other community residence facilities, when the
27 Residence Director is not present at the facility, he shall be responsible for
28 assigning his duties to an individual who shall be at least 21 years old and
29 who shall be capable of recognizing changes in the residents' physical and
30 mental condition and of taking appropriate action.
31

32 (5) A community residence facility may be left unattended
33 for short periods of time during the day when such facility houses 30 or fewer
34 residents.
35

36 (b) Medical Coverage - Each resident shall provide for his own
37 medical supervision, except that nothing in this title shall be deemed to
38 require a resident to have a medical relationship with a physician when that
39 resident relies solely upon treatment by prayer or by spiritual means in
40 accordance with the creed or tenets of any church or religious denomination.
41

42 (c) Professional Consultation.
43

44 (1) A community residence facility shall, by written agreement,
45 retain the services of at least one professional consultant who shall be trained
46 and shall hold a graduate degree in one of the following fields: psychiatry,
47 psychology, social work, special education, vocational rehabilitation, public
48 health nursing, or any other field directly related and pertinent to the community
49 residence program: Provided that, upon written application by the Residence
50 Director to the Commissioner, extensive experience and expertise may be
51 considered in lieu of an academic degree. In addition, if the Residence Director
52 or a full-time staff member holds the qualifications of the Professional Consultant,
53 the requirement for a Professional Consultant may be waived by the Commissioner
54 upon application of the Residence Director. The Professional Consultant may be
55 an individual employed by a community mental health program, social service or
56 educational agency, a rehabilitation program or any other appropriate city, federal
57 or private program. The Commissioner shall, when requested, make such
58 professional consultation available to foster homes without charge to the
59 Residence Director. All Professional Consultants required to be licensed
60

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1 shall maintain current licensure in the District.

2
3 (2) The Professional Consultant shall be required to provide
4 initial and on-going training appropriate to the needs of the facility to the
5 Residence Director and all other employees in the areas of orienting new residents
6 to the facility, interpersonal relationships, health and social problems and
7 community resources available to solve them, as well as any other areas
8 pertinent to the community residence program.

9
10 (d) Personnel Licensure, and Personnel Policies.

11 Subsections (b) and (c) of section 1 of title V of this
12 regulation shall apply to community residence facilities.

13
14 (e) Admission Policies - The facility shall admit and retain only
15 those residents who can be assisted safely and adequately within the
16 limitation of the licensing requirements.

17
18 (1) Residents shall be mobile with or without
19 mechanical assistance.

20
21 (2) Residence shall be able to perform the activities
22 of daily living with minimal assistance, be reasonably oriented as to person
23 and place, and capable of proper judgment in taking action for self-preservation
24 under emergency conditions. Residents requiring professional nursing
25 services shall not be admitted or retained by the facility.

26
27 (3) Residents shall be admitted to the community
28 residence facility only if the Residence Director, the prospective resident, the
29 sponsor (if any), and the resident's physician agree that the resident does not
30 require a greater level of health care or protection than can be provided by the
31 facility.

32
33 (4) Prior to admission of the resident, the resident's
34 physician shall certify in writing that the resident does not require a greater
35 level of care than that provided by the facility, and he shall provide information
36 concerning the resident sufficient to assist the facility in providing adequate
37 care and protection to the resident.

38
39 (5) Each facility shall take reasonable measures to
40 assure that the prospective resident is free from communicable diseases as
41 defined in title 8, Chapter 5, Part 1 of the District of Columbia Health
42 Regulations.

43
44 (6) Admission and other policies shall comply with
45 Title 34 of the District of Columbia Rules and Regulations (Human Rights
46 Regulation). Admission requirements which are predicated upon membership
47 in a religious or political organization or any organization operated for educational
48 or charitable purposes or which are predicated upon otherwise lawful exceptions
49 to Title 34, shall be in writing.

50
51 (f) Program Policies - Each community residence facility
52 shall develop a written statement of its program, policies and practices. Such
53 statement shall describe the program goals; the services, training and care
54 offered by the community residence; the kinds of activities and facilities offered;
55 the fees and charges to residents; payments and refund policies; the group or
56 groups of persons to be served including any sex or age characteristics;
57 admission and discharge policies, including parameters of length of stay;
58 and limitations if any, on sources of referral. Included shall be the rules
59 developed by the facility regarding safety and health, except that, foster
60

1 homes shall only be required to provide to all residents and prospective
2 residents a written copy of the house rules which shall include those rules
3 pertaining to safety and health, fees and charges to residents and payments
4 and refund policies. Such written statements shall be made available to the
5 Commissioner and public free of charge.

6
7 (g) Resident Status Policies

8
9 (1) In facilities with six or more residents, there shall
10 be written procedures to be followed whenever there is a significant change
11 in the resident's health status or in charges, billings or other related
12 administrative matters.

13
14 (2) In cases of serious illness or accident, medical
15 care shall be secured immediately by the resident or the Residence Director
16 and the Residence Director shall immediately notify the next of kin or sponsor
17 and document such in the resident's record.

18
19 (3) The Residence Director shall take appropriate
20 steps to transfer any resident whose physical or mental condition deteriorates,
21 who becomes acutely ill, who suffers an accident, who requires isolation or
22 who requires any other emergency treatment to an appropriate licensed facility
23 within 72 hours unless the resident's physician certifies in writing that the
24 resident's health and safety would not be endangered by remaining in the
25 facility and that retention in the facility would be in the best interest of the
26 resident. If, the Residence Director is not able to accomplish the transfer,
27 he shall notify the Commissioner of the need for assistance.

28
29 (4) Death shall be determined and pronounced only by
30 a physician. In the case of death, both the resident's attending physician
31 and the next of kin or sponsor shall be notified promptly.

32
33 (5) The facility shall provide for deaths to be investigated
34 in accordance with Title XI, Chapter 23 of the District of Columbia Code.

35
36 (6) The Residence Director shall communicate in
37 writing with the resident's sponsor at least every six months regarding the
38 general condition of the resident.

39
40 (h) Transfer and Discharge Policies.

41
42 (1) No resident shall be involuntarily transferred to
43 another community residence facility or asked to leave the facility on a
44 non-emergency basis without a written statement signed by the Residence
45 Director or the supervising agency (if any), describing the reasons and
46 providing timely notification to the resident and sponsor and opportunity for
47 the resident to discuss the request with his personal physician, sponsor,
48 legal representative or other person as he desires.

49
50 (2) No resident shall be prevented from leaving
51 the residence. If the Residence Director has reason to believe that the
52 resident appears not to be competent and may do harm to himself or to others,
53 the Residence Director shall promptly notify the resident's personal physician
54 and attempt to obtain appropriate medical assistance.

55
56 (i) Visitors, Posting of Licenses, Emergency Care of
57 Residents and Rights of Residents. Subsections (h), (i), (j) and (k) of
58 section 1 of title V of this regulation shall apply to community residence
59 facilities, except that foster homes shall not be required to post licenses
60 but shall have any licenses easily available to all city inspectors upon

1 their request.

2
 3 (j) Insurance Coverage. The facility shall carry sufficient
 4 insurance to cover hazard (fire, extended coverage and vandalism) and legal
 5 risk (liability).

6
 7 Section 2. Administrative Records and Reports. - The Residence
 8 Director shall maintain current and accurate records and reports which shall
 9 be on file and available at all times for inspection and review by the
 10 Commissioner. All administrative records and reports shall be filed and
 11 retained for five years by the facility. Required records and reports shall
 12 include but not be limited to the following information:

13
 14 (a) Records Related to Residents - Each community residence
 15 facility shall keep and the Residence Director shall report annually to the
 16 Commissioner on appropriate forms to be provided by the Commissioner the
 17 following information:

- 18 (1) Total admissions
- 19 (2) Total discharges
- 20 (3) Total number of deaths
- 21 (4) Authorized bed capacity
- 22 (5) Total resident days

23
 24
 25
 26 (b) Other Records - Within 30 days after the end of each calendar
 27 year the Residence Director shall report the following administrative
 28 information to the Commissioner on appropriate forms to be provided by the
 29 Commissioner:

- 30 (1) Payroll records (if applicable)
- 31 (2) Report of fire inspections
- 32 (3) Report of fire alarm system and fire drills
- 33 (4) Report of elevator inspection (if applicable)
- 34 (5) Disaster plans and procedures
- 35 (6) Agreements with professional consultant(s)

36
 37
 38
 39 (c) Resident records - The facility shall keep a record on each
 40 resident and all information contained therein shall be confidential and shall
 41 not be open to public inspection without the written consent of the resident
 42 indicating to whom the records are to be released to and for what purpose.
 43 Each record shall be kept current, dated and signed with the full names
 44 of the record keeper and shall include but not be limited to:

- 45 (1) Resident's name
- 46 (2) Resident's age
- 47 (3) Sex
- 48 (4) Home address
- 49 (5) Date admitted
- 50 (6) Name, address and telephone number of personal
 51 physician
- 52 (7) Name, address and telephone number of next of kin or
 53 sponsor
- 54 (8) Source of referral

55 (d) Unusual Occurrence and Incident Reports.

56 The facility shall maintain individual reports of unusual
 57 occurrences and incidents including but not limited to accidents and injuries, ...
 58
 59
 60

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1 (e) Use of Resident Reports and Records. Reports and records
2 specifically identifying residents of a community residence facility which
3 are required by the Commissioner shall not be available for public inspection
4 unless the names of the residents and other identifying characteristics of
5 the residents are removed. No studies based on these records shall identify
6 the community residence facility by name without its written consent or any
7 resident by name without his written consent.

8
9 Section 3. Community Residence Program Statement

10 Each community residence facility shall develop in writing and submit to
11 the Commissioner an initial statement prior to licensing and on an annual basis
12 thereafter, of its program, facilities, organizational structure, staffing patterns,
13 consultant services, policies and practices, formal and informal relationships
14 to community health or health related services, social services, criteria for
15 resident admission, parameters of length of stay, discharge policies, limitations,
16 if any on source of referral, and an estimated program budget, except that,
17 foster homes shall only be required to submit a written copy of its house rules,
18 fees and charges to residents, payments and refund policies and relationship,
19 if any, to social or health agencies of the District or federal government.
20

21
22 Section 4. Physical Restraint and Behavioral Modification

23
24 (a) The facility shall not use physical restraint or confinement
25 except in an emergency, to protect a resident from harm to himself or to others.
26 When such methods are required, the Residence Director shall immediately
27 notify the resident's personal physician and immediately take steps to transfer
28 the resident to an appropriate facility.

29
30 (b) Programs designed to control or change a resident's behavior shall
31 be described in writing, subject to the approval of the Commissioner and when
32 approved by him shall be conducted only under the direct supervision of a
33 qualified person having a graduate degree in psychology, psychiatry, sociology,
34 social work, special education or vocational education and having direct
35 supervised experience and training in the method employed. Such programs
36 shall not utilize deprivation or deprive any resident of his basic rights as
37 provided in this title.

38 (c) Physical or mental abuse shall not be employed by the facility.

39
40 (d) A resident shall not be forcibly secluded in a locked room,
41 nor shall he be locked out of his room at any time.
42

43
44 Section 5. Medications. Each resident admitted to a community residence
45 facility shall be capable of keeping and administering his own medications.
46 The resident's physician shall file with the facility a written statement that the
47 resident is able to administer his own medications.

48
49 Section 6. Dietary Services

50 (a) Food services shall recognize and provide for the reasonable
51 physiological, emotional, religious, and cultural preferences of each resident.
52 All food and drink shall be clean, wholesome, free from spoilage, prepared
53 as to be safe for human consumption and served in accordance with title 8,
54 Chapter 6, Part 1 of the D.C. Health Regulations, (General Food Regulations)
55 except that foster homes shall be exempt from the requirements of title 8,
56 Chapter 6, Part 1 of the District of Columbia Health Regulations provided that
57 food handling, preparation and service shall be conducted in a manner
58 consistent with the intent thereof.
59
60

1 (b) The Residence Director or his designee shall take overall
2 responsibility for the food service.

3
4 (c) If the resident is dependent upon the facility for providing his
5 daily food needs, the facility shall obtain regular consultation from a dietitian
6 and shall conform to subsections (a)(2) through (a)(7) and subsection (b) of
7 section 7 of title V of this regulation, except that facilities with less than
8 ten residents shall not be required to hire a full time food service worker.
9 Foster homes shall not be required to comply with subsections (a)(2) through
10 (a)(7) of section 7 of title V of this regulation.

11
12 (d) If the facility, as part of the written description of the facility
13 program, encourages or requires residents to participate in the selection,
14 shopping, preparation or cleanup of the meals, the following shall apply:

15
16 (1) Meals served by the facility under such a program shall
17 to the extent desired by the residents, meet the minimum daily food
18 requirements as set forth in subsection (b)(3) of section 7 of title V of this
19 regulation.

20
21 (2) If the facility employs food service workers, the
22 requirements of subsections (a)(5), (6) and (7) of section 7 of title V relating
23 to employee records, health examinations and employee clothing shall apply
24 to community residence facilities.

25
26 (e) The facility in its food service program shall attempt to create
27 an atmosphere as home-like as possible. Provision shall be made for group
28 dining.

29
30 (f) If a therapeutic diet is prescribed by a resident's physician,
31 it shall be prepared with the consultation of that physician and a dietitian.

32
33 (g) The Commissioner shall make a current diet manual available
34 to all facilities and offer dietetic consultation within available resources.

35
36 (h) Food on Hand - Supplies of staple non-perishable foods capable
37 of feeding the residents for a minimum of five days and perishable foods for a
38 minimum of two days shall be maintained at the facility.

39
40 Section 7. Social Services

41
42 (a) Facilities with more than 30 residents shall comply with title VI,
43 section 8 of this regulation relating to social services.

44
45 (b) In facilities with 30 or fewer residents, the Residence Director
46 or his designee shall become familiar with available community social and
47 rehabilitative services and shall assist the residents in utilizing such
48 services as desired by the residents.

49
50 (c) The Commissioner shall make available to all facilities a list
51 of available private and public social service resources in the community.

52
53 Section 8. Resident Activities

54
55 (a) Facilities with 50 or more residents shall employ a full time
56 resident activities specialist who shall hold current registration in the
57 National Therapeutic Recreation Society as a therapeutic recreation specialist
58 or possess qualifications necessary for such registration, or have two years
59 paid experience in a health care facility or sixty hours of specialized training in
60

1 therapeutic recreation.

2
3 (b) Each facility shall provide without additional charge, books,
4 periodicals, newspapers, and audio and audio-visual entertainment within
5 the facility.
6

7 (c) The facility staff shall become aware of and familiar with
8 local entertainment activities and events which the residents might enjoy
9 and actively encourage the residents to participate in them. Such
10 activities shall include but not be limited to those which stimulate interest
11 and participation in reading, hobbies, music, religion, drama, arts and crafts,
12 games, sports, and where appropriate, senior citizen clubs and meal
13 programs.
14

15 (d) The facility shall to the maximum extent possible utilize
16 services of volunteers in promoting resident participation in activities.
17

18 Section 9. Physical Facility Requirements.

19
20 (a) Physical Structure

21
22 (1) Applicable general codes. In addition to the requirements
23 of this section, the physical structure of a community residence facility shall
24 conform to all applicable provisions of the Housing Regulations of the District
25 of Columbia, the Building Code of the District of Columbia, as amended herein,
26 the Health Regulations of the District of Columbia, and all other applicable
27 District rules and regulations except that foster homes may be exempt from certain
28 requirements of the Health Regulations, as specified in section 6(a) of this
29 title. A community residence facility with 6 or fewer occupants shall conform
30 with Chapters 1 and 2 of the Housing Regulations of the District of Columbia.
31 Community residence facilities with more than 6 occupants shall comply with
32 Chapters 1 and 2 of the Housing Regulations and all other provisions of the
33 Housing Regulations relating to rooming and boarding houses, apartment houses,
34 and hotels or motels, depending on the nature of the facility and the number of
35 occupants, except that sections 3203, 4106, and 7203 pertaining to locks and
36 keys, and section 7205 pertaining to posting of rates, shall not apply.
37

38 (2) Occupancy classification. - A community residence
39 facility may be classified as a residential occupancy and may be located
40 in a single or multi-family dwelling.
41

42 (3) Other Facility Requirements.

43 (A) Lighting

44
45 (i) Natural light - All habitable rooms shall have
46 window areas and ventilation levels in accordance with the Building Code.
47 Obscure glass, glass blocks or similar non-transparent or distortion-producing
48 material for openings shall not satisfy window area requirements for habitable
49 rooms under this regulation. Window shades which prevent the entrance of
50 daylight shall not be fully drawn during daylight hours in any room other than
51 a sleeping room. Light-diffusing or light-softening devices may be employed
52 during daylight hours.
53
54

55 (ii) Artificial illumination. - General lighting levels
56 in non-sleeping rooms throughout the facility shall be no less than 10 footcandles.
57 Incandescent fixtures shall be equipped with at least 60 watt light bulbs.
58 Additional lighting levels shall be provided by the facility in the kitchen and
59 laundry areas, and as may be needed for special tasks, or at the request of a
60 resident. Night lights shall be provided in bathrooms.

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1 (B) Facility requirements pertaining to residents with
 2 limited mobility. - A resident requiring assistance ascending or descending
 3 stairs shall only be placed in a community residence facility that provides
 4 architectural and safety features sufficient to enable the resident to
 5 evacuate the building in emergency situations without the assistance of another
 6 person:

7
 8 (i) No resident with limited mobility shall be
 9 placed on any floor of a facility that does not provide level or ramped access
 10 directly to the out-of-doors, except where a community residence facility
 11 provides numbers of elevators which shall be determined by the Commissioner
 12 as sufficient to evacuate, in an emergency, all such residents from the building
 13 in no more than two (2) descents per elevator and provided that the facility
 14 develops an emergency exit plan that is approved by the Commissioner.

15
 16 (ii) If approved by the Commissioner, hydraulic
 17 lifts may serve as the primary access to the street level floor of the facility
 18 in lieu of ramps.

19
 20 (iii) All primary means of access to the facility
 21 used by persons with limited mobility, including ramps, handrails, entrance
 22 ways and doors, shall conform to the specifications for such contained in the
 23 "American National Standard Specifications for Making Buildings and Facilities
 24 Accessible to, and Usable by, the Physically Handicapped," (American
 25 National Standards Institute, Inc., Document No. A 117.1-1961.)

26
 27 (iv) The community residence facility housing
 28 residents with limited mobility shall demonstrate to the satisfaction of the
 29 Commissioner that it has made reasonable efforts to assure that program
 30 spaces and services provided other residents are equally accessible to
 31 residents with limited mobility.

32
 33 (b) Program Space Requirements.

34
 35 (1) General. - The provision of space in a community
 36 residence facility and the way in which the facility is equipped, furnished
 37 and maintained shall provide a comfortable, congenial, home-like setting
 38 for residents and staff. Residents shall be provided access to and
 39 encouraged to utilize fully, all space required to be provided in the facility
 40 by this section. When it is necessary to restrict certain space from residents'
 41 use, such space shall be located in as remote portions of the facility as
 42 possible.

43
 44 (2) Bedrooms.

45
 46 (A) Bedrooms shall be occupied in conformance with
 47 the minimum square foot requirements for such specified in section 2306 of the
 48 Housing Regulations of the District of Columbia except that, regardless of
 49 bedroom size, no bedroom shall have more than four (4) occupants.

50
 51 (B) Every resident's bedroom shall be equipped or
 52 provided with a bed, a bedside table or cabinet with an individual reading
 53 lamp, and suitable, sufficient storage space for each resident's personal
 54 clothing and personal effects. At least one desk and chair shall be provided
 55 in the facility for residents' use. Residents who are students shall be
 56 provided a desk and chair, upon request, in a part of the facility that is quiet
 57 and conducive to study. Community residence facilities shall provide to each
 58 resident at least weekly clean bed linens consisting of two sheets and a
 59 pillow slip; and a clean bath towel, hand towel and wash cloth.

60 (C) Beds shall be located only in rooms designated

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1 solely for that purpose.

2
3 (D) Bedrooms for residents requiring assistance
4 ascending or descending stairs shall be located only on floors with level or
5 ramped access to the outdoors and to the other program spaces required in this
6 section except where elevators are employed in accordance with (a)(4)(B) of this
7 section.

8
9 (E) In community residence facilities where
10 residents are given keys to their sleeping rooms, staff shall have access to
11 duplicate keys for use in emergency situations only.

12
13 (3) Bathing and toilet facilities.

14
15 (A) Bathing and toilet facilities shall be provided in
16 accordance with the fixture ratios established for such in article 240 of
17 the Housing Regulations of the District of Columbia.

18
19 (B) In community residence facilities where residents
20 must be provided bedrooms on the ground floor levels in accordance with
21 (b)(2)(D) of this section, bathing and toilet facilities shall be provided on a
22 floor with level or ramped access to such bedrooms.

23
24 (C) Bathing and toilet facilities which will be used
25 by any resident requiring assistance with ambulation shall be equipped with
26 sturdily-mounted grab bars near the toilet and in shower and tub enclosures.

27
28 (4) Community Space. - Group living space shall be
29 provided for social and recreational purposes: living room or recreation room
30 and dining room. Dining and living areas may be located within the same
31 room provided that minimum area requirements for community space in
32 facilities can be met. The combined total of all community space provided
33 by the facility shall afford at least twenty-five (25) square feet of space above
34 the basement per resident, except that in facilities with more than fifteen (15)
35 residents, the combined total community space provided shall afford at least
36 fifty (50) square feet of space per resident, including basement space which
37 otherwise conforms to the requirements for habitable space in the Building
38 Code.

39
40 (5) Kitchen. - In each building serving as a place of
41 residence, a reasonable amount of refrigerated and non-refrigerated storage
42 space shall be provided for any personal food items residents may wish to
43 store for brief periods.

44
45 (6) Telephone. - At least one non-coin-operated telephone,
46 on which out-going calls can be placed, shall be provided in the facility.
47 If such telephone is restricted to staff use, the facility shall provide, in
48 addition, at least one telephone for both incoming and out-going calls for use
49 by residents. Required resident telephones shall be readily accessible to
50 residents, including those requiring assistance in ambulation.

51
52 (c) VariANCES. - VariANCES for existing community residence
53 facilities may be granted by the Commissioner in accordance with the
54 procedures specified in section 19, title V of this regulation.

55
56 (d) Safety and Fire Protection.

57
58 (1) A manual of instructions and a fire plan shall be
59 prepared and used in training residents and employees in accordance with
60

REGULATION 74-47

13 of 14
-----of-----

1 section 20(d), title V of this regulation. Upon admission to a community
2 residence facility, new residents shall be informed of the fire plan and
3 shall be given a written copy of the plan.
4

5 (2) General safety procedures and inspections shall be
6 provided in accordance with section 20(c), title V of this regulation. "
7

8 Section 2. The Housing Regulations of the District of Columbia are
9 hereby amended as follows:
10

11 (1) Article 880, "Personal Care Homes" is repealed.
12

13 (2) In section 1102, "Definitions" of Article 110, the words "Personal
14 Care Home" and the definition thereof is deleted.
15

16 Section 3. Amendments to the Building Code.
17

18 The Building Code of the District of Columbia (Title 5A-1, DCRR) is
19 hereby amended as follows:
20

21 (1) Section 201.1 - "Definitions" shall be amended to include the
22 following definition to be inserted alphabetically:
23

24 "Community Residence Facility: A facility providing special services
25 in addition to room and board to individuals age 18 and above who are able to
26 perform the activities of daily living without assistance, or with minimal
27 assistance but who desire or require a protective home-like environment because
28 of physical, mental, familial, or social circumstances. The definition shall
29 include but not be limited to facilities heretofore known as personal care homes
30 and other facilities commonly known as adult foster homes, halfway houses,
31 alternate residential placements, therapeutic residential communities, homes
32 for the aged, and homes for the blind. "
33

34 (2) In section 201.1, the words "personal care home," and the
35 definition thereof shall be deleted.
36

37 (3) Section 202.9(1) - "Group L-1, Residential" shall be amended by
38 inserting, at the end, the following: "Community residence facilities housing
39 more than fifteen (15) residents. "
40

41 (4) Section 202.9(2) - "Group L-2 Residential" shall be amended by
42 adding, after the words "religious communities," the following: "and community
43 residence facilities".
44

45 (5) Section 202.9(3) - "Personal Care Homes." shall be deleted in its
46 entirety.
47

48 (6) Section 616.2(1)2 - "Exit Requirements, Residential L-2 occupancies"
49 shall be amended by adding, after the words "2500 square feet", the following:
50 "except that all sleeping rooms above the street level in a community residence
51 facility which has sleeping rooms above the second floor or which has more than
52 six (6) occupants in sleeping rooms above the street level floor, shall have
53 access to two (2) separate means of exit at least one of which shall consist of
54 an enclosed interior stair, or an exterior stair, or a fire escape, or a horizontal
55 exit, all so arranged as to provide a safe path of travel to the outside of the
56 building without traversing any corridor or space exposed to an unprotected
57 vertical opening. "
58

59 (7) Section 616.4 - "Protective Appliances, Residential L-2 Occupancies. "
60

REGULATION 74-47

14 of 14

shall be amended by deleting the words "Personal Care Homes" and substituting the words "Community residence facilities" and by adding, at the end, the following: "Community residence facilities with more than six (6) occupants shall be equipped with a manual fire alarm system, except in those facilities equipped with either an automatic sprinkler system or an approved fire detection system."

Section 4. This regulation shall take effect on November 1, 1975.

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TO THE DISTRICT OF COLUMBIA COUNCIL:

27 DEC 1974

Today I am returning to the District of Columbia Council with my disapproval Regulation 74-47 regarding community care facilities.

I have taken this action because of my grave concern about the potential effect which the enactment of this regulation would have on the large number of people who are connected with the personal care homes now operating in the city. I am aware of the fact that the sections of the regulation which are particularly troublesome to me are those which members of my staff requested. I am hopeful, however, that some amendments can be developed so that personal care home operators will not be forced to forego their only means of earning a livelihood during these harsh economic times and so many of our citizens, particularly the elderly, will not be without adequate personal care facilities. Many of the people who would be adversely affected have called my office to let me know personally of their concern and their commitment to provide adequate care of the persons in their homes. I do not think we as a government can ignore these pleas.

Accordingly, I have requested the Department of Human Resources to develop an amended proposal which addresses the problems raised by the personal care home operators. The amended proposal should, I think, review the staffing requirements to make certain they are adequate. It should also define "personal care" so that the public will be advised of the requirements and standards which must be met. Medical coverage requirements should also be a part of the city's laws regulating community care facilities so that the burden of medical care does not fall entirely on the resident.

I regret having to take this action since I am personally committed to the objectives of the regulation. I want to see the community care facilities in the city required to meet standards which will adequately protect the people who require the use of these facilities. But at the same time I cannot ignore the concerns which have come to my attention and I would urge the elected Council to give prompt attention to this matter.

- Today I am returning to the District of Columbia Council with my disapproval Regulation 74-47 regarding community care facilities.

I have taken this action because of my grave concern about the potential effect which the enactment of this regulation would have on the large number of people who are connected with the personal care homes now operating in the city. I am aware of the fact that the sections of the regulation which are particularly troublesome to me are those which members of my staff requested. I am hopeful, however, that some amendments can be developed so that personal care home operators will not be forced to forego their only means of earning a livelihood during these harsh economic times and so many of our citizens, particularly the elderly, will not be without adequate personal care facilities. Many of the people who would be adversely affected have called my office to let me know personally of their concern and their commitment to provide adequate care of the persons in their homes. I do not think we as a government can ignore these pleas.

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I regret having to take this action since I am personally committed to the objectives of the regulation. I want to see the community care facilities in the city required to meet standards which will adequately protect the people who require the use of these facilities. But at the same time I cannot ignore the concerns which have come to my attention and I would urge the elected Council to give prompt attention to this matter.



Regulation

of the

District of Columbia

TITLE REGULATION AMENDING REGULATION NUMBER 74-20, RENT CONTROL REGULATION FOR THE DISTRICT OF COLUMBIA

Vice-Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the District of Columbia Council adopted Regulation No. 74-20,
 2 which established a system of rent control, pursuant to Public Law 93-157; and
 3
 4 WHEREAS, the District of Columbia Council intended the provisions and
 5 deadlines stipulated in Regulation No. 74-20 to promote effective implementation
 6 of the Regulation with respect to both landlord and tenant interests; and
 7
 8 WHEREAS, the District of Columbia Council finds that the deadline for
 9 housing registration provided in Section 9(b) of Regulation No. 74-20 is
 10 inconsistent with such effective implementation; and
 11
 12 WHEREAS, the District of Columbia Council finds that Section 7(b) of
 13 Regulation No. 74-20, which requires compliance with Title 5DD of the District
 14 of Columbia Rules and Regulations, is inconsistent with certain other provisions
 15 of the regulation intended to promote speedy and efficient implementation of the
 16 regulation; and
 17
 18 WHEREAS, the District of Columbia Housing Rent Commission has requested
 19 amendment of the above named Sections in order to prevent a crisis which threatens
 20 effective implementation of Regulation No. 74-20.
 21
 22 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
 23 that:
 24

RECORD OF COUNCIL VOTE																	
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN				X	

X—Indicates Vote A. B.—Absent N. V.—Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974

Edward S. Walsh
Secretary of the City Council

Approved *Metes Washington*
Mayor-Commissioner

27 DEC 1974
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:

Date

Disapproved and returned to the City Council _____

Mayor-Commissioner

Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward S. Walsh
Secretary of the City Council

REGULATION 74-48

Section 1. Section 7(b) (lines 46-49) of Regulation 74-20 be amended to read as follows: "All hearings shall be conducted pursuant to the provisions of the D. C. Administrative Procedure Act (D. C. Code, Section 1-1501 et, seq.)."

Section 2. Section 9(b) of Regulation No. 74-20 shall be amended by substituting the words "90th day" for the words "60th day" (line 12).

Section 3. Section 9 (e) of Regulation No. 74-20 shall be amended by substituting the words "90th day" for the words "60th day" (line 4).

Section 4. This Regulation shall take effect immediately upon enactment.

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Regulation

of the
District of Columbia

TITLE A REGULATION TO AMEND TITLE 8, CHAPTER 2 OF THE DISTRICT OF COLUMBIA HEALTH REGULATION

Dr. Henry S. Robinson, Jr. Presents the following regulation:

1 WHEREAS, Chapter 7 of Title 33 of the D. C. Code provides for the
 2 regulation and control of dangerous drugs "other than narcotics;" and
 3
 4 WHEREAS, the Mayor-Commissioner, supported by the United States Attorney
 5 for the District of Columbia, requested that the drugs: Methaqualone,
 6 Peneyclidine, Methlyphenidate, Phenmetrazine and Lysergic Acid Diethylamide
 7 to be included in the District of Columbia Dangerous Drug Act; and
 8
 9 WHEREAS, the drugs in question are not presently regulated by Federal
 10 narcotics drug laws (as defined under D. C. Code, Section 33-401 (n) and (o);
 11 and
 12
 13 WHEREAS, the Health, Welfare and Aging Committee of the District of
 14 Columbia City Council has found by a preponderance of testimony presented at
 15 a public hearing held October 31, 1974, that the specified drugs are dangerous
 16 drugs within the meaning of the Act.
 17
 18 NOW, THEREFORE, BE IT ENACTED BY the District of Columbia Council that:
 19
 20 Section 1. Title 8, Chapter 2 of the District of Columbia Health Regulation
 21 is amended to read:
 22
 23 "8-2.431 Additional Drugs Included in the
 24 Dangerous Drug Act

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN					X

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974

Edward S. Webb, Jr.
Secretary of the City Council

Approved *Harley Washington*
Mayor-Commissioner

27 DEC 1974

Date

Enacted W/O signature of the Mayor according to ten day limitation rule:

Date

Disapproved and returned to the City Council

Mayor-Commissioner

Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward S. Webb, Jr.
Secretary of the City Council

1 The District of Columbia Council, having held a public
 2 hearing on the question of whether certain drugs may be
 3 considered 'dangerous drugs' for the purposes of
 4 paragraph (1) of Section 202 of the Dangerous Drug Act
 5 for the District of Columbia (70 Stat. 612; D. C. Code,
 6 Sec. 33-701 (1)(C), does hereby find and declare that
 7 within the meaning of such section of the Act and the
 8 regulations adopted pursuant to the authority contained
 9 therein, the term 'dangerous drug' shall include the
 10 following drugs:

- 11 Methaqualone
- 12 Phencyclidine (Angel Dust)
- 13 Methyphenidate (Ritalin)
- 14 Phenmetrazine (Preludin)
- 15 Lysergic Acid Diethylamide (LSD)"

16
 17
 18 Section 2. This regulation shall take effect immediately upon enactment.
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Regulation No. 74-50



December 27, 1974
Enactment Date

Regulation

of the

District of Columbia

TITLE REGULATION AMENDING TITLE 32, MOTOR VEHICLE CODE REGARDING CITY COUNCIL MEMBER LICENSE TAGS

Reverend Jerry A. Moore, Jr. Presents the following regulation:

1 WHEREAS, Paragraph 286, Section 402, Reorganization Plan No. 3 of 1967
2 transferred to the District of Columbia Council the authority to adopt regulations
3 concerning the issuance of automobile registration certificates and identification
4 tags; and

5
6 WHEREAS, the Council believes that it is fitting and proper that a representative
7 of the District of Columbia Council should have automobile tags evidencing his
8 honorable office.

9
10 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

11
12 Section 1. Section 3.307 of Title 32, District of Columbia Rules and Regulations,
13 is hereby amended to read as follows:

14
15 "Section 3.307 REGISTRATION NOT TRANSFERABLE BY OWNER

16
17 Identification tags issued in connection with the registration of a
18 motor vehicle or trailer, may not be transferred to another owner
19 or owners, except for identification tags numbered "1", "2", and
20 "3", assigned respectively to the Commissioner of the District of
21 Columbia, the Chairman of the District of Columbia Council, and
22 the Assistant to the Commissioner, and except for tags bearing the
23 identification: "Chairman, City Council"; "Council Member, At-Large
24 A" through "Council Member, At-Large D" inclusive; "Council Member

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN					X

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 3, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 17, 1974 Date

Edward S. Welch
Secretary of the City Council

Approved *Malety Wash Jones* Mayor-Commissioner 27 DEC 1974 Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
Edward S. Welch
Secretary of the City Council

REGULATION 74-50

2 of 2

Ward 1" through "Council Member, Ward 8" inclusive, assigned to Members of the District of Columbia Council, and tags bearing the identification "Member, U. S. Congress 1", issued to the District of Columbia's representative to the United States Congress."

Section 2. This regulation shall take effect immediately upon enactment.

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Regulation No. 74-51

December 27, 1974
Enactment Date

Regulation of the District of Columbia

TITLE HARBOR AND BOATING SAFETY REGULATION

Councilwoman Marguerite C. Selden Presents the following regulation:

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WHEREAS, the District of Columbia Council is authorized to enact harbor regulations pursuant to Section 402(206), Reorganization Plan No. 3 of 1967; and

WHEREAS, the Metropolitan Police Department has recommended the enactment of harbor regulations, as below; and

WHEREAS, affected and interested federal agencies have been involved in the development and review of these regulations;

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Article 29, Harbor Regulations, Police Regulations of the District of Columbia is hereby repealed.

Section 2. Article 29, Harbor and Boating Safety Regulations of the Police Regulations, Appendix A, attached, is hereby adopted.

Section 3. This regulation shall be effective thirty days after enactment.

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD	X					MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on December 9, 1974

Adopted on second and final reading December 17, 1974

Presented to the Mayor-Commissioner December 18, 1974

Approved *Marguerite C. Selden*
Mayor-Commissioner

Edward B. Webb, Jr.
Secretary of the City Council

27 DEC 1974

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date

Disapproved and returned to the City Council _____ Date
Mayor-Commissioner

Readopted _____ Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward B. Webb, Jr.
Secretary of the City Council

APPENDIX A

ARTICLE 29 - HARBOR AND BOATING SAFETY REGULATION

Section 1. Declaration of Policy: It is the policy of the District of Columbia to promote safety for persons and property in and connected with the use, operation, and equipment of vessels to promote uniformity of laws relating thereto.

Section 2. Definitions: As used in this Article unless the context clearly requires a different meaning:

a. "Associated Equipment" means

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(2) Any accessory or equipment for, or appurtenance to a boat and

(3) Any marine safety article, accessory or equipment intended for use by a person on a boat: but

(4) Excluding radio equipment.

b. "Boat" means any vessel:

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the renter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers for hire.

c. "Boat Livery" means a business which holds any vessel for renting, leasing or chartering.

d. "Channel" means those marked or unmarked waterways commonly used for navigation.

e. "Chart" is the scale map which officially designates the anchorage and other areas, channels, and all other matters and things specifically mentioned in these regulations.

f. "Chief of Police" means the Chief of the District of Columbia Police Department or his designated agent.

g. "Coast Guard" means the United States Coast Guard which is part of the Department of Transportation.

h. "District of Columbia Waters" means the area of all navigable waters within the District of Columbia and the shores and structures adjacent to the said waters.

REGULATION 74-51

3 of 18

1 i. "Emergency Law Enforcement or Fire Vessel"
2 includes any vessel which is authorized by a government law enforcement agency
3 or fire department with jurisdiction in the waters of the District of Columbia and is
4 operating with its blue emergency lights activated and/or siren sounding.

5
6 j. "Harbor Lines". The harbor lines within the District of Columbia are
7 those limiting lines beyond which no piers, wharves, bulkheads or other works
8 shall extend or deposits be made, established by the Chief of Engineers, U.S.
9 Army, and the Mayor, approved by the Secretary of Army, and on file with the
10 surveyor, D.C., and the Harbor Master.

11
12 k. The "Harbor Master" is the official in the Metropolitan Police Department
13 who commands the Harbor Section, or its successor.

14
15 l. "Hull Identification Number" is the number assigned to the hull of a
16 vessel by its manufacturer or home builder under the regulation promulgated by the
17 Secretary of Transportation.

18
19 m. "Identification Number" is the number assigned to vessels by the
20 Department of Transportation, by a State or United States territory with a Federally
21 approved numbering system or by the District of Columbia under these regulations.

22
23 n. "Mayor" means the mayor of the District of Columbia or his designated
24 agent.

25
26 o. "Moorings" are those physical means of anchoring a vessel including
27 buoys, lines, chains and anchors.

28
29 p. "Motor Boat" means any vessel equipped with propulsion machinery
30 whether or not such machinery is the principal source of propulsion.

31
32 q. "Navigation Rules" are those rules and regulations promulgated by the
33 Secretary of Transportation which are authorized by specific acts of Congress relating
34 to the navigable waters of the United States.

35
36 r. "Night" means any time from sunset to sunrise and at any other time when
37 due to insufficient light or unfavorable atmospheric conditions, persons, vessels,
38 or other objects in the harbor or on the shore are not discernible at a distance of five
39 hundred feet. "Day" is anytime not included in night.

40
41 s. "Operator" means the person who operates or has charge or command of
42 the navigation or use of a vessel.

43
44 t. "Owner" means a person, who claims lawful possession of a vessel
45 by virtue of legal title or equitable interest therein which entitles him to such
46 possession.

47
48 u. "Person" means an individual, firm, partnership, corporation, company,
49 association, joint-stock association, or governmental entity and includes a trustee,
50 receiver assignee or similar representative of any of them.

51
52 v. "Passenger" means every person carried on board a vessel other than:

53
54 (1) The owner or his representative

55
56 (2) The operator
57
58
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60

1 (3) Bonafide members of the crew engaged in the business
2 of the vessel who have contributed no consideration for their carriage
3 and who are paid for their services; or
4

5 (4) Any guest on board a vessel which is being used exclusively
6 for pleasure purposes who has not contributed any consideration, directly
7 or indirectly, for his carriage.
8

9 w. "Racing Shell and Racing Canoe" mean any manually propelled boat
10 that is recognized by national or international racing association for use in
11 competitive racing and one in which all occupants row, scull, or paddle with the
12 exception of a coxswain, if one is provided, and is not designed to carry and does
13 not carry any equipment not solely for competitive racing.
14

15 x. "Undocumented Vessel" means a vessel which does not have and is
16 not required to have a valid marine document as a vessel of the United States.
17

18 y. "Use" means operate, navigate, or employ.
19

20 z. "Vessel" means every description of watercraft, other than a seaplane
21 on the water used or capable of being used as a means of transportation on the
22 water.
23

24 Section 3. Jurisdiction and Duties of the Harbor Master. The Harbor
25 Master of the District of Columbia shall regulate the operation, navigation, mooring
26 and anchoring of all vessels within the waters of the District of Columbia and shall
27 enforce all laws and regulations relating to said waters.
28

29 Section 4. Registration and Numbering of Vessels.
30

31 (a) Operation of Unnumbered Vessels Prohibited
32

33 (1) Every vessel using the waters of the District of
34 Columbia shall be numbered except those exempt by Sub-
35 section (b) Section 4 of this Article. No person shall operate
36 or give permission for the operation of any such vessel on
37 such waters unless the vessel is numbered in accordance with
38 this Article or in accordance with applicable Federal law or in
39 accordance with a Federally approved numbering system of
40 another state unless:
41

42 A. The certificate of number issued to such a vessel is
43 on board and in full force and effect.
44

45 B. The identifying number set forth in the certificate of
46 number is displayed on each side of the forward half of the vessel.
47

48 (2) The certificate of number for vessels less than 26
49 feet in length and leased or rented to another for noncommercial
50 use of less than 24 hours may be retained on shore by the vessel
51 owner. Provided, however, that a copy signed by lessor and
52 lessee of the rental contract for such vessel, containing at least
53 the vessel number and the lease time must be in possession of
54 the operator on board the vessel.
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REGULATION 74-51

..5..of..18

1 (b) Exemption from Registration and Numbering Provisions of this Article.

2
3 (1) A vessel shall not be required to be numbered or registered
4 under this Article if it is:

5
6 A. Covered by a certificate of number in full force
7 and effect which has been issued to it pursuant to Federal law
8 or a Federally approved numbering system of another state or
9 territory using the waters of the District of Columbia for a period
10 of less than 60 days.

11
12 B. From a country other than the United States and
13 temporarily using the waters of the District of Columbia for
14 a period less than 60 days.

15
16 C. Military or public vessels of the United States,
17 except recreational-type public vessels.

18
19 D. A vessel whose owner is a State or Subdivision
20 thereof, which is used principally for governmental purposes
21 and which is clearly identifiable as such.

22
23 E. A vessel's lifeboat, if the boat is used solely
24 for lifesaving purposes.

25
26 F. All vessels used exclusively for racing.

27
28 G. When operating during the period, not to exceed
29 thirty days, after an application for a certificate of number has
30 been submitted. Visible evidence of this application must be
31 present on the vessel.

32
33 H. A vessel which is documented by the Coast Guard.

34
35 (2) Use of a vessel which has been numbered in another state
36 in District of Columbia waters for an excess of sixty days is prima facie
37 evidence that such stay is no longer temporary and the state of principal
38 use should be changed.

39
40 (3) Nothing in this Article prohibits the numbering of any
41 undocumented vessel hereunder upon request by the owner even though such
42 vessel is exempt from the registration requirements of this Article.

43
44 (c) Identification Number

45
46 (1) Application. The owner of each vessel required to be
47 numbered by the District of Columbia shall annually file application
48 for number with the Harbor Master of the Metropolitan Police Department
49 on forms approved by it. The application shall be signed by the owner (s)
50 of the vessel and shall be accompanied by a fee as follows:
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December 27, 1974
Enactment Date

APPLICATIONS

REGULATION 74-51

.6. of 18.

1 A. For every vessel equipped with propulsion machinery
2 of any type, the annual fee shall be \$10.00.

3
4 B. For every vessel not equipped with propulsion machinery
5 of any type, the annual fee shall be \$2.00.

6
7 C. For each duplicate certificate of number or set of
8 validation stickers, the fee shall be \$1.00.
9

10 Upon receipt of the application in approved form, the Harbor Master shall
11 enter the same upon its records and issue to the applicant a certificate of number
12 listing the number assigned to the vessel, the name and address of the owner and
13 such additional information as may be prescribed by regulations of the Harbor
14 Section. The number shall be placed on each side of the forward half of the
15 vessel in such position as to provide clear legibility for identification. The
16 numbers shall read from left to right and shall be in block characters of good
17 proportion not less than 3 inches in height. The numbers shall be of a color which
18 will contrast with the color of the background and so maintained as to be clearly
19 visible and legible; i.e., dark numbers on a light background, or light numbers
20 on a dark background, and shall have spaces or hyphens that are equal to the
21 width of a letter other than "I" or a number other than "1" between the letter and
22 number groupings (Example: DC 5678 EF or DC-5678-EF). An annual validation
23 sticker which meets specifications outlined in 33 CFR 174.15 shall be displayed
24 within 6 inches of the number. The certificate of number shall be pocket size
25 and shall be available at all times for inspection on the vessel for which issued
26 whenever the vessel is in operation, but the certificate of number for a readily
27 identifiable livery boat of less than 26 feet in length leased or rented to another
28 for the latter's noncommercial use for less than 24 hours may be retained ashore
29 by the owner or his representative.
30

31 (2) Change of Owner. Should the ownership of a numbered vessel change,
32 a new application form with fee shall be filed within five days by the new owner
33 with the Harbor Master and the new certificate of number shall be issued in the
34 same manner provided for in the original assignment of number, except that the
35 number assigned may be identical with the previous one.
36

37 (3) Conformity with Federal Numbering System. In the event that an
38 agency of the United States Government shall have in force an overall system of
39 numbering identification for vessels within the United States, the numbering
40 system employed pursuant to this Article by the Harbor Master shall be in con-
41 formity therewith.
42

43 (4) Expiration Date. The certificates of number shall expire on
44 December 31st of the year of issue.
45

46 (5) Furnishing of Information. Any person may request from the Harbor
47 Master vessel numbering and registration information which is retrievable from
48 vessel numbering system records of the issuing authority. When the Harbor
49 Master is satisfied that the request is reasonable and related to a boating safety
50 purpose or for a law enforcement purpose, the information shall be furnished upon
51 payment by a nongovernment requester of costs retrieval and handling of the
52 information requested.
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REGULATION 74-51

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1
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3 of any type, the annual fee shall be \$10.00.

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15 Section. The number shall be placed on each side of the forward half of the
16 vessel in such position as to provide clear legibility for identification. The
17 numbers shall read from left to right and shall be in block characters of good
18 proportion not less than 3 inches in height. The numbers shall be of a color which
19 will contrast with the color of the background and so maintained as to be clearly
20 visible and legible; i.e., dark numbers on a light background, or light numbers
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39 agency of the United States Government shall have in force an overall system of
40 numbering identification for vessels within the United States, the numbering
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48 Master vessel numbering and registration information which is retrievable from
49 vessel numbering system records of the issuing authority. When the Harbor
50 Master is satisfied that the request is reasonable and related to a boating safety
51 purpose or for a law enforcement purpose, the information shall be furnished upon
52 payment by a nongovernment requester of costs retrieval and furnishing of the
53 information requested.

REGULATION 74-51-----7 of 18

1 (6) Registration and Numbering Period. Every certificate of number
2 issued pursuant to this Act shall continue in full force and effect for a period
3 of one year unless sooner terminated or discontinued in accordance with the
4 provisions of this section. Certificates of number may be renewed by the owner
5 in the same manner provided for in the initial securing of the same.

6
7 (7) Notice of Transfer, Destruction, Abandonment, Theft, Recovery,
8 or Documentation. The owner shall furnish the Harbor Master written notice of
9 the transfer of all or any part of his interest other than the creation of a security
10 interest in the District of Columbia pursuant to this Section, and the destruction,
11 abandonment, theft, recovery, or documentation of such vessel within 15 days
12 thereof. Such transfer, destruction, abandonment, theft or documentation shall terminate
13 the certificate number for such vessel except that in the case of a transfer of a part of
14 interest which does not affect the owner's rights of possession to such vessel, such
15 transfer shall not terminate the certificate of number.

16
17 (8) Change of Name and Address. Any holder of a certificate of number
18 shall notify the Harbor Master in writing within 15 days if his address no longer
19 conforms to the address appearing on the certificate and shall, as a part of such
20 notification, furnish the Harbor Master with his new address. Any holder of a
21 certificate of number shall notify the Harbor Master in writing within 30 days if
22 his or her name has changed due to marriage or any other legal action and shall,
23 as a part of notification furnish the Harbor Master with the new name.

24
25 (9) No Other Number on Forward Half of Vessel. No number other than the
26 current number validly assigned to a vessel shall be painted, attached, or other-
27 wise displayed on each side of the forward half of said vessel.

28
29 (10) Provision for Regulations. The Metropolitan Police Department is
30 authorized to and shall promulgate regulations to administer the provisions of this
31 Section related to numbering applications, certificates of number, display of
32 numbers, reports on change of addressor name, destruction, abandonment,
33 documentation, sale or transfer of ownership.

34 Section 5. Speed and Equipment Requirements.

35
36 (a) No power driven vessel shall be propelled or operated at a greater
37 rate than six statute miles per hour in the Potomac River upstream from the
38 Arlington Memorial Bridge, in the Washington Channel upstream from Hains Point,
39 in the Anacostia River upstream from Greenleaf Point to the Benning Road Bridge;
40 nor shall any such vessel be propelled or operated at a greater rate than ten statute
41 miles per hour when passing the wharf area of Alexandria, Virginia, except in case
42 of emergency. The above speed limits shall not apply to vessels of the District of
43 Columbia or of the United States responding to or engaging in any emergency
44 condition, to vessels of the hydrofoil type, or to air cushion vehicles operated for
45 demonstration or experimentation purposes under the authority of a permit issued by
46 the Chief of Police, except that no hydrofoil or air cushion vehicle shall exceed a
47 speed of ten statute miles per hour in the area between the westerly shore line of
48 the Potomac River and a line 100 yards east of the parallel to the pierhead line,
49 between Jones Point and First Street, in the city of Alexandria, Virginia, or exceed
50 a speed of six statute miles per hour in any of the following areas:
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REGULATION 74-51
-----8 of 18

- 1 (1) Upstream of the Arlington Memorial Bridge;
- 2
- 3 (2) In the Washington Channel;
- 4
- 5 (3) Within the area of the Potomac River West of a
- 6 line between Hunter Point and Daingerfield Island.
- 7

8 (b) No owner, operator, or other person having custody of any vessel,
 9 except racing shells, racing canoes, rowing sculls and racing kayaks, shall permit or
 10 suffer such vessel to be underway in the District of Columbia waters unless there shall
 11 be on board such vessel the following:
 12

13 (1) Each vessel hired for the purpose of carrying passengers
 14 shall have at least one type I Coast Guard approved personal
 15 floatation device of a suitable size for each person on board.
 16

17 (2) Each commercial vessel not hired for the purpose of carrying
 18 passengers, less than 40 feet in length, shall have at least one
 19 type I, II or III Coast Guard approved personal floatation device
 20 of a suitable size for each person on board.
 21

22 (3) All vessels except as specifically provided for above
 23 shall have on board:
 24

25 A. The requisite type of approved personal floatation
 26 device for each person on board for the type of vessel
 27 under way, as determined by the United States Coast
 28 Guard.
 29

30 B. A Coast Guard approved back-fire flame control
 31 device on all gasoline engines, except outboard motors.
 32

33 C. At least two ventilator ducts for ventilation of the
 34 bilges of every engine and fuel tank compartment of
 35 boats constructed or decked over after April 25, 1940,
 36 using gasoline or other fuel of a flashpoint less than
 37 110 degrees Farenheit. Intake to extend at least half-
 38 way into compartment or at least below end of
 39 carburetor, and outlet (exhaust) installed so as to extend
 40 to lower portion of the bilge.
 41

42 D. At least one Coast Guard approved ring life buoy
 43 or buoyant cushion in addition to the equipment required
 44 for vessels of 16 feet or more by (1), (2), and (3-A) of
 45 subparagraph (c) of this section, except for canoes and
 46 kayaks. For commercial vessels of more than 26 feet
 47 a life ring bouy only will satisfy the provisions of this
 48 paragraph.
 49

50 E. The requisite type of sound producing device for
 51 vessels of 16 feet to 65 feet.
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REGULATION 74-51

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F. The requisite number of Coast Guard approved portable fire extinguishers and/or a fixed firefighting system.

G. Properly placed navigation lights so required by the Coast Guard Navigation Rules when underway during the night.

H. All equipment required to be carried on board a vessel under way set forth in subparagraph (b) of this Section shall comply with Coast Guard Regulations, Provided that, the Harbor Section, Metropolitan Police Department may promulgate additional regulations not in conflict with applicable Coast Guard regulations related to requirements for associated equipment for vessels described in subparagraph (b) of this Section.

I. Coast Guard approved personal floatation devices designed to be worn shall be in good and serviceable condition and be readily accessible at all times to each person on board such vessel.

J. Lifesaving equipment designed to be thrown shall be in a good and serviceable condition and so placed on board such vessel as to be immediately available at all times.

K. No person may operate a vessel, except a foreign vessel or a vessel less than 26 feet in length, unless it has a placard at least 5 by 8 inches, made of durable material, fixed in a conspicuous place in the machinery spaces, or at the bilge and ballast pump control station, stating the following:

OIL PLACARD

Discharge of oil prohibited: The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters and the contiguous zone of the United States if such discharge causes a film or sheen upon, or discoloration of, the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5000.

L. No person may operate a vessel of less than 100 gross tons unless it has a fixed or portable means to discharge oily bilge slops to a reception facility.

M. No person may drain the sumps of oil lubricated machinery or the contents of oil filters, strainers, or purifiers into the bilge of any U.S. vessel.

REGULATION 74-51
-----10 of 18Section 6. Boat Liveries.

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2
3 (a) The owner of a boat livery shall cause to be kept a record
4 of the name and addresses of each passenger and person hiring any vessel; the
5 identification number thereof, and the date and time of departure, and the expected
6 date and time of return. The record shall be preserved for at least six months and
7 shall be subject to inspection by any person designated and empowered to enforce
8 the provisions of this article.
9

10 (b) Responsibility for required equipment. Neither the owner of
11 a boat livery nor his agent or employee shall permit any vessel to depart from
12 said boat livery owner unless it is provided either by the owner or renter, with the
13 equipment required pursuant to Section 5 and any rules and regulations made pur-
14 suant thereto.
15

16 (c) No person engaged or employed in the business of renting
17 canoes in the District of Columbia shall rent any canoe without first instructing
18 the person or persons hiring the canoe in its operation and in the use of personal
19 floatation devices, with which it is equipped. Such instruction may be either
20 oral or written, and shall include, but need not be limited to, instructions sub-
21 stantially equivalent to those issued by the Mayor pursuant to subsection (d) of
22 this section.
23

24 (d) The Mayor or his designated agent is authorized from time
25 to time to prescribe standards for canoe safety instructions. The standards to
26 be prescribed by the Mayor may include, but need not be limited to, the need for
27 warning persons hiring canoes to avoid standing up in them while under way; an
28 explanation of the basic canoe strokes; an explanation of the rules of the road for
29 vessels; the meaning of channel marker buoys; and distress signals for small
30 boats.
31

Section 7. Anchoring and Mooring Procedures

32
33
34 (a) The anchorage areas formerly known as the Georgetown
35 Anchorage Area, the Washington Channel Anchorage Area, the Anacostia
36 River Anchorage Area, Boundary Channel Anchorage Area and the Oxon
37 Run Bay Anchorage Area are hereby abolished.
38

39 (b) Every vessel coming to anchor within the waters under
40 jurisdiction of the District of Columbia shall be anchored in compliance with
41 the procedures of D.C. Code 22-1701, as amended and shall comply with the
42 provisions of Article 11 of the Inland Rules to Prevent Collisions (Act of June 7,
43 1937) requiring anchor lights on vessels at anchor on navigable waters of the
44 United States.
45

46 (c) Placing mooring buoys or use of such buoys is not allowed
47 in District of Columbia waters.
48

Section 8. Entering Designated Areas.

49
50
51 (a) Entering Authorized Restricted Areas. No owner, operator,
52 or person in charge of any vessel shall allow such vessel to enter or remain in
53 any area of the District of Columbia waters restricted by any proper authority for
54 use as a race course or for an aquatic event, or designated as a restricted area
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1 in the vicinity of emergency activity, except with the permission of the Harbor Master
2 of the District of Columbia or a police officer acting for him. Such restricted area
3 may be designated by the Harbor Master or police officer acting for him either in
4 advance of the event or at the time and location of an emergency situation. The
5 Harbor Master or police officer acting for him shall cause to be removed from such
6 area any vessel entering upon or remaining therein without permission from the Harbor
7 Master, and the owner, operator, or person in charge of such vessel shall be in
8 violation of these regulations: Provided, nothing in this subsection shall prevent
9 the passage through such area of vessels operated by the governments of the United
10 States or the District of Columbia. This subsection shall be controlling as to any
11 of the above events in the waters of the District of Columbia except to the extent
12 that it is inconsistent or in conflict with any law or regulation administered by the
13 United States Coast Guard governing a particular marine parade or regatta supervised
14 by the U.S. Coast Guard in the waters of the District of Columbia.
15

16 (b) Entering Diving Areas. Any person diving in the waters of the District
17 of Columbia, when such water contact is allowed under District of Columbia
18 regulations, shall display a regulation diving flag, such flag being red in color with
19 a white diagonal stripe. No vessel, except for the vessel or vessels attending the
20 diver, shall operate within 150 feet of any flag so displayed.
21

22 Section 9. Sale, Handling and Transportation of Gasoline
23 or other Similar Volatile liquids, Explosives
24 and Disposition of Crude Petroleum or any of
25 its products in the Harbor.
26

27 (a) No vessel that does not have a power unit permanently installed within
28 the hull, shall, without a special permit issued by the District of Columbia, dispense
29 gasoline, fuel oil, or any other flammable oils, in the harbor within the District of
30 Columbia, except that nothing herein contained shall apply to any oil company
31 licensed to do business in the District of Columbia transferring such fuel or oils to
32 public utility corporations or government agencies.
33

34 (b) No gasoline or other similar volatile liquid shall be kept for sale on
35 board any vessel in the harbor unless a permit or license therefore has been issued
36 by the District of Columbia Fire Marshal, provided that before such permit or
37 license may be approved the Fire Marshal shall require the applicant to furnish a
38 valid certificate of inspection issued by the United States Coast Guard, United
39 States Department of Transportation, as evidence that the vessel so used, or intended
40 to be so used, is suitable for the purpose intended and therefore is entitled to receive
41 such permit or license.
42

43 (c) The general rules and regulations, and supplements thereto, prescribed
44 by the U.S. Coast Guard; U.S. Department of Transportation, for tank vessels,
45 shall be observed.
46

47 (d) No fuel vessel having gasoline or oils aboard for sale shall, while tied
48 to any wharf or pier within the District of Columbia, dispense gasoline or oils for
49 use in any motor vehicle using the highways of said District, and all such vessels
50 shall be equipped with and use anchor and tie lines of metal chain or cable.
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REGULATION 74-51

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1 (e) All vessels carrying storage tanks equipped with facilities for dispensing
2 gasoline shall empty and thoroughly purge all such storage tanks before such vessel
3 is laid up for storage or repairs, within the District of Columbia.
4

5 (f) Fuel vessels shall be open to inspection by any police officer of the
6 District of Columbia, the Fire Marshal, or any of his accredited inspectors.
7

8 Section 10. Pollution of Waters of the District of Columbia. No vessel shall
9 discharge, deposit, throw or spill within the waters of the District of Columbia, any
10 crude petroleum, gasoline, or other similar volatile inflammable oils, or waste, nor
11 shall there be pumped or emptied while in said waters, the bilge water or any bilge
12 residue from the bilges of any steamship, tugboat, tanker, oil barge or any other
13 watercraft that burns or conveys oil or distillates.
14

15 Section 11. Operation of Vessels.
16

17 (a) Compliance with Navigation Requirements. All vessels shall be operated
18 in compliance with the U.S. Coast Guard "Pilot Rules for Inland Waters", Part 80
19 of the Subchapter D, Chapter I, Title 33 of the Code of Federal Regulations.
20

21 (b) Negligent Operation. No person may use a vessel in a negligent manner
22 so as to endanger the life, limb or property of any person nor shall any person
23 use any motorboat, boat or vessel, or manipulate any water skis, aquaplane,
24 surfboard, or similar device while under the influence of alcohol, any narcotic
25 drug, barbituate, marijuana or hallucinogen. No person or persons shall cause any
26 power driven vessel to pass or cross ahead of any other vessel except at a safe
27 distance and/or follow directly behind any other vessel except at a safe distance.
28 The speed of all power vessels, except for police and fire vessels responding to
29 an emergency, shall be regulated to avoid danger or injury to all vessels whether
30 floating, anchored or underway and to piers, wharves, bulkhead, bridges or other
31 waterfront construction either directly or by the effect of the wash or wake raised
32 by such power vessel through its speed or otherwise.
33

34 (c) Renting to Minors. No person owning, leasing, or controlling any
35 wharves, piers, bulkheads, or structures thereon, or waters adjacent thereto, or
36 any basins, slips, docks, waterfronts, land under water or structures on any such
37 places, nor any agent or employee of such persons, shall rent, lease, or hire
38 to any person under 16 years of age, any vessel of any description whatever.
39

40 (d) Operation by Minors. No person under 16 years of age shall operate
41 or navigate any vessel of any kind in District of Columbia Waters unless such
42 person has completed a boating safety course such as those offered by the Harbor
43 Master in the Metropolitan Police Department, The United States Coast Guard
44 Auxiliary, the United States Power Squadron and the Red Cross. Evidence of
45 completion of said course shall be in possession of the vessel operator while he
46 is operating the vessel.
47

48 When the operator of a vessel over 16 feet in length is under the age of 16
49 he and all other passengers aboard under the age of 16 shall wear a Coast Guard
50 approved personal floatation device of the proper size.
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REGULATION 74-5113 of 18.

1 (e) Safety Requirements. No person shall, on any waterway in the District
 2 of Columbia, use, operate, permit to be operated any vessel, or loan, lease,
 3 hire, or offer for hire any vessel owned by him or subject to his control; unless said
 4 vessel is of sound construction and in good seaworthy condition, as required by the
 5 laws of the District of Columbia.
 6

7 (f) Special Area Requirements. Operators and all passengers on all vessels in
 8 the area from the most Southern point of the cove commonly known as Fletcher's
 9 Cove in the Georgetown Channel of the Potomac River upstream to the District of
 10 Columbia line at Little Falls, must wear a Coast Guard approved personal floatation
 11 device at all times.
 12

13 Section 12. Water Skiis, Aquaplanes, Surfboards, or other Similar
 14 Devices and Swimming.
 15

16 (a) Observer. When such water contact sports are allowed under District
 17 of Columbia Regulations, no person shall operate a vessel on any waters of the
 18 District of Columbia for towing a person or persons on water skiis, aquaplane,
 19 surfboards, or similar device unless there is in such vessel a person not less than
 20 twelve years of age, in addition to the operator, in a position to observe the progress
 21 of the person or persons being towed. This Section shall not apply to those
 22 devices actually operated by the persons being towed and so constructed as to be
 23 incapable of carrying the operator in or on the device.
 24

25 (b) No Skiing During the Night. When such water contact sports are
 26 allowed under District of Columbia Regulations, no persons shall operate a vessel
 27 on any waters of the District of Columbia towing a person or persons on water skiis,
 28 aquaplane, a surfboard, or similar devices, nor shall any person engage in water
 29 skiing, aquaplaning, surfboard, or other similar activity at any time during the night.
 30

31 (c) A Performer Engaged in an Authorized Activity. The provisions of sub-
 32 sections (1) and (2) of this section do not apply to a performer engaged in a pro-
 33 fessional exhibition or a person or persons engaged in an activity authorized under
 34 Section 15 of this Article.
 35

36 (d) Swimming. No person shall swim or dive from any vessel which is
 37 turning into or from, or docking or getting under way from any anchorage, nor shall
 38 any person swim in the marked channels of the harbor, from any bridges, wharves,
 39 or piers in or adjacent thereto, nor within one hundred yards of any steamboats
 40 while said boat is loading or discharging passengers or freight.
 41

42 (e) No Water Contact Sports. Nothing contained in this section shall be
 43 construed to amend, supersede, or in any way change the prohibition against water
 44 contact, recreational activity, or animal contact with the Potomac River, the
 45 Anacostia River, the Washington Ship Channel, Rock Creek or Oxon Run as specified
 46 in Section 8-2:803 (b) and (c) of the Health Regulations of the District of Columbia,
 47 which regulations remain in full force and effect.
 48

49 Section 13. Collisions, Accidents, and Casualties.
 50

51 (a) Duty to render assistance and identify vessel and self. It shall be the
 52 duty of the operator of a vessel involved in a collision, accident, or other casualty,
 53 so far as he can do so without serious danger to his own vessel, crew and passengers,
 54 (if any), to render to other persons affected by collision, accident, or other casualty
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REGULATION 74-51

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1 such assistance as may be necessary in order to save them from or minimize any
2 danger, caused by the collision, accident, or other casualty and also give his
3 name, address, and identification of his vessel in writing to any person injured
4 and to the owner of any property damaged in the collision, accident or other
5 casualty. The duties imposed by this subsection are in addition to any duties
6 otherwise imposed by law.
7

8 (b) Good Samaritan Clause. Any person who complies with subsection
9 (a) of this Section or who gratuitously and in good faith renders assistance at
10 the scene of a vessel collision, accident, or other casualty without objection
11 of any person assisted, shall not be held liable for any civil damages as a result
12 of the rendering of assistance or for any act of omission in providing or arranging
13 salvage, towage, medical treatment, or other assistance where the assisting person
14 acts as an ordinary, reasonable prudent man would have acted under the same or
15 similar circumstances.
16

17 (c) Report of Accident or Casualty. The operator of a vessel shall submit a
18 written casualty or accident report prescribed by the Metropolitan Police Department
19 when as a result of an occurrence that involves the vessel or its equipment:
20

- 21 1. A person dies;
- 22
- 23 2. A person loses consciousness or receives medical
24 treatment or is disabled more than twenty-four hours
25 as a result of an accident.
- 26
- 27 3. Damage to the vessel and other property damages
28 totals more than one hundred dollars or
29
- 30 4. A person disappears from the vessel that indicates
31 death or injury.
32

33 (d) A report required by this section must be made:
34

- 35 1. Within 48 hours of the occurrence and if a person dies,
36 within 24 hours of the occurrence.
37
- 38 2. Within 48 hours of the occurrence if a person loses
39 consciousness or receives medical treatment or is disabled for more
40 than 24 hours or disappears from a vessel; and
41
- 42 3. Within 5 days of the occurrence if an earlier report is
43 not required by this paragraph.
44

45 (e) Provisions for a Casualty Reporting System. The Metropolitan
46 Police Department shall make regulations to administer the Accident and Casualty
47 Reporting System which shall not be inconsistent with that established by the
48 Coast Guard.
49

50 (f) Protection of Accident or Casualty Reports. Any such report shall be
51 for the Metropolitan Police Department purposes and shall not be open to public
52 inspection or release. The fact that such report has been made shall be admissible
53 in evidence solely to show compliance with this Section, but no such report or
54 any part thereof nor any statement contained therein shall be admissible as evidence
55 for any purpose in a civil trial.
56

57 Section 14. Regattas, Races, Marine Parades, Tournaments, or
58 Exhibitions.
59

60 (a) Agency may Regulate. The Chief of Police or his designated

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1 agent may regulate the holding of regattas, races, marine parades, tournaments
2 or exhibitions which by their nature, circumstance or location will introduce
3 extra or unusual hazards to the safety of life on any District of Columbia waters,
4 shall adopt and may from time to time amend regulations, when not inconsistent
5 with the provisions of this Article, concerning the safety of boats, motorboats,
6 and vessels and persons thereon, either observers or participants. Whenever a
7 regatta, race, marine parade, tournament or exhibition is proposed to be held,
8 the person in charge thereof, shall at least 30 days prior thereto, file an
9 application with the Harbor Master for permission to hold such regatta, motorboat
10 or other boat race, marine parade, tournament, or exhibition. The application
11 shall set forth the date, time, location where it is proposed to hold such regatta,
12 race, marine parade, tournament or exhibition, and such other information as the
13 Chief of Police may require, and it shall not be conducted without authorization
14 of the Chief of Police.

15
16 (b) Permit by U.S. Agency. The provisions of this Section shall not
17 exempt any person from compliance with applicable Federal law or regulation.
18 Securing a permit from a U.S. Agency does not exempt a person from obtaining
19 appropriate permits specified in (a) of this Section.

20
21 Section 15. Loitering. No person or persons shall operate, or cause to
22 be operated, any vessel of any description in such a manner as to hinder or
23 impede the movement or progress of any vessel when the same is turning, docking,
24 or getting underway from or to any dock or anchorage.

25
26 Section 16. Show Boats and Floating Night Clubs; Use of Vessels
27 for Housing

28
29 (a) Show Boats and Floating Night Clubs. No vessel of any description
30 which is used as or is intended to be used as a show boat, restaurant, floating
31 night club or place of amusement may anchor or operate in the waters of the
32 District of Columbia or tie up to any wharf or other place therein without approval
33 of the Mayor, and in compliance with all applicable Federal and Municipal laws
34 and regulations; provided, that the concurrence of the Director of National
35 Capital Parks shall be obtained before said vessel is tied up to any wharf or
36 other place adjacent to such park areas.

37
38 (b) Use of Vessels for Housing. No vessel or floating construction,
39 anchored, or moored in the Washington Channel, the Potomac River or any of its
40 tributaries, or docked or berthed at any of the wharves, piers, bulkheads, or
41 other works, on any part of the waterfront properties adjacent to any of the water-
42 ways within the District of Columbia shall be used for a multiple dwelling for
43 which a license is required in the District of Columbia. No vessel used for single
44 family occupancy shall be anchored or tied to any wharf or other place adjoining
45 park areas without the concurrence of the Superintendent of National Capital Parks

46
47 Section 17. Amphibian Aircraft. Except in the case of bonafide emergency,
48 no amphibian aircraft or seaplane shall alight upon or take off from or operate or
49 anchor in any waters under the jurisdiction of the District of Columbia, without
50 written approval of the Harbor Master.

51
52 Section 18. Unnecessary Noises, Use of Mufflers, etc.

53
54 (a) Every vessel which is propelled by internal combustion engines
55 on the District of Columbia waters shall be equipped with a muffler so constructed
56 as to prevent any unnecessary, intense, or prolonged noise in the operation or
57 management of said vessel, and the said muffler shall not be removed, cut out,
58 or put out of operation for any purpose whatever; Provided, that during periods
59 of regattas such vessels as may be entered in official races shall be exempt from
60

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1 the requirements herein prescribed. Nothing contained in this section shall apply
2 to vessels equipped with underwater exhaust or to vessels discharging water through
3 open exhaust pipes so long as these methods of silencing the exhaust are effective.
4

5 (b) It shall be unlawful for any person to use upon any vessel in the harbor,
6 any horn, bell, siren, compression or exhaust whistle except when required or
7 permitted by the U.S. Navigation Laws or Regulations promulgated thereunder, and
8 during public ceremonies or festive occasions.
9

10 (c) Owners or operators of vessels using the waters under the jurisdiction
11 of District of Columbia shall use discretion in the running of generators, pumps,
12 or any other noisemaking devices so that they will not become nuisances.
13

14 Section 19. Advertising Signs.
15

16 (a) No words, letters or characters advertising in any manner, any activity,
17 event, location, business, commodity or product not existing, maintained, located,
18 conducted, or sold on any vessel shall be placed or attached to, or maintained on
19 the exterior or any part or appurtenance thereof, without a permit therefore having
20 first been applied for, to and issued by, the Mayor, on such forms and for such
21 periods of time as shall be determined by him in his discretion.
22

23 (b) No sign, banner sign, or flag advertising a bonafide business conducted
24 on, or commodities or products sold on any vessel shall be painted, printed, placed
25 or attached to the exterior thereof in any manner, or maintained thereon, which
26 is more than ten (10) square feet in area, except that two such signs only may be
27 used on any one vessel, one on the port and one on the starboard side of vessel.
28

29 (c) No electric sign may be displayed on any vessel during the night, but
30 nothing contained in this paragraph shall prohibit electrical display or decoration
31 of vessels, as herein defined during night pageants.
32

33 Section 20. Dock or Channel Obstruction.
34

35 (a) No person owning, renting, or otherwise in charge of any vessel occupying
36 any dock or slip at any wharf or pier under the jurisdiction of the District of Columbia
37 shall place or cause to be placed, or allow to remain, on such wharf or pier adjacent to
38 such dock or slip any box, bag, barrel, metal container, lumber, crate, basket,
39 bucket, tub, keg, carton, bottle, garbage, paper, rubbish, or any other material of
40 any kind whatsoever; provided, however, that nothing in this section shall be
41 construed to prohibit the use of any wharf or pier for a period not to exceed two (2)
42 hours, such period to be during business hours only, for the customary and necessary
43 handling of goods, wares, and merchandise in transit from a vessel to a location
44 elsewhere than on such wharf or pier, but such permissible use shall not be construed
45 to authorize the use of space on such wharf or pier for storage purposes or for the
46 crating or uncrating, boxing or unboxing, packing or unpacking, of goods and materials
47 being shipped or received, and provided further, that nothing in this section shall
48 be construed as prohibiting the owner or other person in charge of any vessel from
49 placing one (1) well-constructed and well-maintained box on that portion of the wharf
50 or pier immediately adjacent to the dock or slip occupied by such vessel for the
51 purpose of storing non-flammable gear and other non-flammable property pertaining
52 to the vessel, such box, however, to occupy not more than twelve (12) square feet
53 of space on such wharf or pier; to be not more than thirty-six (36) cubic feet in size;
54
55
56
57
58
59
60

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1 to be placed on or over the outside edge of the wharf or pier and to extend toward
2 the center thereof not more than one-fourth (1/4) of the full width of such wharf
3 or pier, in such manner as to leave a clear passageway of at least 24 inches in
4 width; to be equipped with an adequate locking device; and to be placed at a height
5 of two (2) inches above the floor level of said wharf or pier.
6

7 (b) No person owning or in charge of any vessel shall beach, abandon or
8 leave such sunken vessel upon any shore of or in the waters of the District of
9 Columbia except in case of emergency, in which case, person owning or in charge
10 of such vessel shall notify the Harbor Master's office immediately, and shall
11 remove such vessel within five (5) days, or such further time as may be granted
12 in writing by the Harbor Master. When no emergency exists, each day that any
13 vessel remains beached, abandoned, or left upon any portion of such shore shall
14 constitute a separate offense, and, in case of an emergency, each day that any
15 vessel remains beached, abandoned, left upon any portion of such shore after the
16 expiration of the first five (5) day period after such beaching, abandonment, or
17 leaving if no extension of time is granted as herein provided for or each day following the
18 expiration of any such extension of time, that is granted, shall constitute a
19 separate offense.
20

21 (c) No person in charge of any vessel shall tie up said vessel to any
22 seawall or bridge in the waters under the jurisdiction of the District of Columbia,
23 except in case of emergency, nor shall any vessel be tied up to a buoy or structure
24 maintained by the U.S. Coast Guard or District of Columbia, or privately main-
25 tained aids to navigation.
26

27 (d) No person owning or in charge of a vessel moored in any dock or in
28 any slip at any wharf or pier under the jurisdiction of the District of Columbia shall
29 moor such vessel or extend a line or lines from such vessel in such manner as to
30 interfere with the use of or obstruct the passage to any dock or slip or any wharf
31 or pier.
32

33 (e) Nothing contained in this section shall be construed as applying to
34 that part of the water frontage of the District of Columbia lying south of Maine
35 Avenue, between Eleventh and Twelfth Streets, S.W., including the buildings and
36 wharves thereon, or to amend, supersede, or in any way change Sections 3, 4, and
37 5 of Article 5 of the Police Regulations of the District of Columbia.
38

39 (f) Nothing contained in this section shall be construed as to amend,
40 supersede, or in any way change Section 8-2:805 (entitled Spray Onto Land
41 Prohibited) of the Health Regulations of the District of Columbia.
42

43 Section 21. Comprehensive Safety and Education Program. The Harbor
44 Master is hereby authorized to inaugurate a comprehensive boating education
45 program, and to seek the cooperation of boatmen, the Federal Government and
46 other states.
47

48 Section 22. Owner's Civil Liability. Whenever any vessel shall be operated
49 on District of Columbia waters by any person other than the owner, with the consent of
50 the owner expressed or implied, the operator thereof shall in case of accident be
51 deemed to be the agent of the owner of such vessel, and the proof of ownership of
52 said vessel shall be prima facie evidence that such person operated said vessel
53 with the consent of the owner.
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1 Section 23. Enforcement.

2
3 (a) Authority to Stop and Board. Any person designated and empowered to
4 enforce the provisions of this Article and of any rule or regulation adopted pursuant
5 thereto shall have the authority to stop and board any vessel subject to this Article
6 or any such regulation for the purpose of inspection or determining compliance with
7 this Article and is empowered to make summary arrest or issue a summons for
8 appearance in court for all violations of this Article or of the rules and regulations
9 prescribed thereunder. Law enforcement vessels personnel shall be marked to
10 identify them as designated enforcement vessels.

11
12 (b) Vessels required to cooperate. Every vessel subject to this Article if
13 underway and upon being hailed by a designated law enforcement officer shall stop
14 immediately and lay to, or shall maneuver in such a way as to permit such officer to
15 come aboard. Further, all vessels shall yield and lay to any emergency law
16 enforcement or fire vessel.

17
18 (c) Authority to Correct Hazardous Conditions. Any officer designated and
19 empowered to enforce provisions of this Article who observes a boat being used:

- 20
21 1. Without sufficient lifesaving or firefighting equipment,
22
23 2. In an overloaded condition,
24
25 3. With an accumulation of fuel in the bilge compartment,
26
27 4. With leaky fuel lines,
28
29 5. Improper navigation light display,
30
31 6. Without a Coast Guard approved back-flame arrester,
32
33 7. With inadequate ventilation or
34
35 8. With any other unsafe condition,
36

37 and in whose judgement such use creates a hazardous condition, may direct the
38 operator to take whatever immediate and reasonable steps would be necessary for
39 the safety of those aboard the vessel; including directing the operator to proceed
40 to a location designated by the official and to remain there until the situation
41 creating the hazard is corrected or ended.

42
43 Section 24. Penalties. Any person violating any section or paragraph of
44 this article or the implementing regulations wherein a penalty is not specifically
45 provided, upon conviction shall be punished by a fine of not more than \$300 or
46 be imprisoned for not more than 10 days, or both.

47
48 Section 25. Severability. If any provision or clause of this Article or
49 application thereof to any person or circumstance is held invalid such invalidity
50 shall not affect other provisions or applications of this Article which can be given
51 effect without the invalid provision or application, and to this end the provisions
52 of this article are declared to be severable.

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From HENRY S. ROBINSON, JR., CHAIRMAN, HEALTH, WELFARE AND
AGING COMMITTEE

Date AUGUST 20, 1974

Subject MINORS CONSENT FOR HEALTH SERVICES REGULATION

Mr. Chairman and Members of the Council, I bring before you for second reading, the proposed regulation "that under the circumstances already incorporated in the proposed legislation," would allow a minor to consent for certain health services in his or her behalf.

No changes of any substantive nature have been made in the regulation since August 6, 1974, the date of the first reading. Upon final passage of this regulation, if either medical progress or other legal considerations provide a documented, reasonable basis for modification of this regulation, such improvements or modification can be made. The Health, Welfare and Aging Committee of which I am Chairman, will be observing its implementation and will be ready to entertain reasonable suggestions for any improvements deemed necessary.

I believe that we have a regulation that will serve as a model for the nation, and I sincerely encourage surrounding jurisdictions and other states to consider adoption of similar standards.

Mr. Chairman and Members of the Council, I move passage of this regulation on second reading.

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From HENRY S. ROBINSON, JR., CHAIRMAN, HEALTH, WELFARE & AGING
COMMITTEE

Date August 6, 1974

Subject A REGULATION WHICH WOULD ALLOW A MINOR TO CONSENT FOR
HEALTH SERVICES

Mr. Chairman and Members of the Council, you have before you for first reading, the proposed regulation which would allow a minor to consent for certain health services in his or her behalf.

The purpose of this regulation is to insure that all minors can have quality health services by granting the minors self-consent in conditions and instances that would prevent them from seeking services if parental consent is required, and by encouraging health professionals to deliver quality services to minors without incurring legal liability.

Reasonable safeguards and limitations are stipulated in this regulation now before you to protect the minors safety and the right of the parents.

Research and the drafting of this regulation began in August 1973, based upon inquiries made to the District of Columbia Health, Welfare and Aging Committee, by doctors, lawyers, private institutions and other health care facilities.

On Nov. 26, 1973, the District of Columbia Health, Welfare and Aging Committee published in the D.C. Register a notice of intent to take legislative action on the proposed regulation to allow a minor to consent for health services.

A public hearing was held on June 24, 1974, which provided valuable documentation in relation to the serious health, social and economic hazards faced by minors in pursuit of medical services without parental consent. Expert witnesses in varied fields of health care gave impressive testimony emphasizing the need of greater flexibility to the medical and allied health professions in rendering services to

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minors. We discovered that the legislation thus proposed was both anticipatory and responsive to the needs of the young people of the District of Columbia. At the present time there is no D. C. statute or regulation which covers generally the provision of health services to minors; thus the debate over emergency treatment of minors, the emancipated and partially emancipated minor, the mature minor, the neglected minors and the right to consent have opened a whole new area of ambiguities in the English language and legal and medical sparring over their meanings. As a result of our investigation and research of recent opinions, code regulations and model acts, we found that the recommendations contained in the published regulation are in keeping with the trend that has been happening throughout the United States within the last two years.

In general, however, the movement of the courts and of the state legislatures has been toward the granting of adult rights to minors, and nowhere has more progress been made than in the area of medical care. Within the past six years nearly every state has enacted legislation enabling certain groups of minors to consent to some or all of their own health care, and the trend to expand the scope of such statutes seems to be accelerating. As of 1972, 13 states had enacted statutes giving certain minors whether defined as emancipated or mature the right to consent to medical treatment for all conditions.

The American Civil Liberties Union, attorneys representing children in the Family Division of Superior Court, and numerous other legal and health experts have applauded this proposed regulation as a thoughtfully drawn attempt to extend the rights which minors in the District of Columbia already have to consent to medical treatment (birth control and venereal disease) and to guarantee and identify their rights in this area in a consistent and logical way.

On Feb. 25, 1970, the Corporation Counsel citing the Bonner v. Moran case as the leading case on minors consent; advised the Secretary of the City Council that any doctor or other person who without the consent of the parent or legal guardian of a person under the age of 21, proceeds to extract blood from such person, may subject himself to legal liability expressing the opinion that a regulation passed by the City Council would not have the effect of eliminating such liability. As a result, it has been questioned strongly whether the Bonner case is truly the leading case involving minors consent for health services.

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There are, of course, exceptions to the rule, one of them is in cases of emergency, as noted in the memorandum presented to the City Council on June 24, 1974, when obviously an operation is necessary. Luka v. Lowrie 171 Mich. 122, 136 N.W. 1106, 279 N.Y.S. 575, Annotation in 26 A.L.R. 1036, 53 A.L.R. 1056; other perhaps in cases in which the child has been emancipated, or where the parents are so remote as to make impracticable the obtaining of their consent in time to accomplish proper results. And where the child is close to maturity it has been held that the surgeon may be justified in accepting his consent.

However, the Corporation Counsel's opinion recognized liability in Bonner rested on several factors, and to that extent rested it's holding on lack of parental consent, but did so only after finding the particular circumstances of the case precluded the informed and intelligent consent of the minor and that he had in fact not consented. The significance of the Bonner case is the clear recognition that a minor can consent to treatment if certain criteria are met. Generally, whether a minor is capable of giving consent depends upon his ability to understand the consequences of the act to which he consents. Thus, valid consent turns on such criteria as the maturity and intelligence of the minor, the complexity and the difficulty of comprehending the act consented to, the fullness of the explanation given to the person consenting and/or whether the act is for the benefit of the minor.

As a result of the proposed regulation, this committee has progressively and successfully sought and obtained valuable information in the form of comments, opinions, written statements, etc., from city officials, community groups, the Department of Human Resources and a very large population of the District of Columbia's health care facilities, revising the proposed regulation. Based upon their expert opinions and recommendations many changes have been made as a result of their support.

Dr. Raymond L. Standard, Director of Public Health, Department of Human Resources stated that the concept of informed consent rather than just consent should be emphasized in the regulation which would place an obligation on the health professionals to fully explain the disorder and required treatment to the patient.

Mr. Werner Fornos, Executive Director, Planned Parenthood of Washington, noted in his statement that, "We would like to see some language which says that age itself is not a factor in refusing to serve a patient."

Dr. V.J. Roux, Medical Director, Freedmen's Hospital gave testimony in relation to irreversible surgical procedures such as surgical sterilization. We were particularly grateful for the

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statements and comments from Mary Ann Stein, Attorney, Ms. Florence Isbell, Executive Director, American Civil Liberties and Dr. Andrew Rigg, Chief of Adolescent Medicine, Children's Hospital.

This committee and those who have participated in the construction of this regulation, believe that it's purpose first and foremost serves an undisputable need voiced by this community, it's passage will answer that need and emphasize the concern and foresight of this Council who when confronted with changing times responds accordingly.

History denotes the ineffectiveness of society that fail to provide for, or consider the needs of it's people. I believe that this regulation will upgrade the standard of health care to the youth of the District of Columbia; and allow the health professionals to develop and execute effective medical programs for minors. Although other states and surrounding jurisdictions have adopted some form of legislation pertaining to minors, I believe that the regulation before us will be the model regulation for others to follow. As a result, this regulation in it's meaning and purpose, will now encourage minors to seek guidance and treatment from health care professionals who thus far have been reluctant in their services to minors. The importance of this regulation cannot be denied, nor can the health needs of our young people.

Mr. Chairman and Members of the Council, I move passage of this regulation on first reading.

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to the Council for continuation, termination, or amendment or any of the provisions of this regulation.

("District of Columbia Council" was substituted for "Housing and Urban Development Committee" because of the possibility that the new Council taking office on January 2, may reorganize in such manner as to eliminate or change the Housing and Urban Development Committee.)

3. Section 301

The "and partnership" was added on line 27 of Section 301(b), correcting an inadvertent omission.

Mr. Chairman and Members of the Council, I move approval of this Regulation on final reading.

REPORT

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July 16, 1974

(3) Exempts from the usury ceiling all loans above \$5,000 made for business or investment purposes, whether such loans are made to an individual, partnership, non-profit corporation, or other entity. This provision extends the existing exemption already applicable to corporations, as provided in Section 29-904(h) of the D. C. Code to other types of entities borrowing for commercial purposes.

(4) Establishes, by Resolution, a Commission on Mortgage Investment to develop and implement a positive action program to increase the flow of mortgage money into all areas of the city and assure availability of mortgage money for moderate and marginal income families.

Background

The District of Columbia is one of seven states with a usury ceiling of 8% or below. For most types of loans the eight percent ceiling is in fact a fictitious ceiling from which they have been exempted, primarily by Congressional action. Two major types of transactions, however, continue to be covered by the eight percent ceiling: (1) Mortgage loans, including first mortgages and all inferior mortgages: (2) Commercial loans to any individual or entity other than profit making corporations, which are exempt from the usury law.

On December 29, 1973, Congress passed Public Law 93-229 which authorized the District of Columbia to exempt certain loans from the provisions of Chapter 33 ("Interest and Usury") of the District of Columbia Code. Specifically, this was accomplished by adding to that Chapter, Section 28-3309, which authorized the Council to "provide by regulation for (1) the exemption from the provisions of this chapter of any loan or financial transaction and (2) the change of any interest rate specified in this chapter."¹

As a first step in addressing this issue, the Housing and Urban Development Committee appointed a twenty member Advisory Panel representing financial institutions, the real estate industry, and a variety of housing, consumer and community groups. On April 3, 1974, the Committee scheduled a Public Hearing to "consider the whole broad interest rate question as it relates to housing and economic development in this city."² Twenty five groups of witnesses, representing the broad spectrum of financial

1. Public Law 93-229, 93rd Congress, December 29, 1973

2. Opening Statement of Sterling Tucker, Public Hearing on Usury Rates, April 3, 1974.

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and community interests, appeared at the hearing. The following emerged as the major areas of concern:

(1) General recognition of the negative impact of the existing usury ceiling in the District of Columbia upon the housing market, housing development, and commercial development in the city. There was overall consensus that the existing eight percent ceiling on all mortgages and many commercial loans has placed the District in a singularly uncompetitive situation which has cut off mortgage money for all but the most preferred borrowers, curtailed new housing construction, and squeezed both potential buyers and sellers out of the housing market in the District.

(2) A deep seated conviction among community groups that the usury issue must be considered and addressed as part and parcel of the city's housing problem as it impacts on low and moderate income families and dislocation of such families from their established neighborhoods. Specifically, the following concerns were raised:

- Lack of confidence, based on past performance, in the current and future mortgage investment performance by District financial institutions.
- Lack of confidence that a raise in the mortgage ceiling would benefit moderate income residents or make money available to the "less preferred" areas of the city or moderate and marginal income home seekers.
- Concern about possible by-products of a raise in the mortgage ceiling -- specifically, potential acceleration of reverse block busting and neighborhood dislocation.

(3) Concern on the part of several witnesses about the need for consumer protections for the home buyer negotiating a first mortgage or the home owner seeking a second mortgage on existing equity in his home.

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In summary, the Hearing demonstrated general recognition of the "tight money" problem created by the current usury ceiling and the detrimental affects for the city as a whole. At the same time, the Hearing revealed strong community sentiment that a raise in the mortgage ceiling can be justified only if accompanied by a concrete plan to assure that the benefits of such change will accrue to all areas of the city and to moderate income as well as affluent residents. In response to this concern, a subcommittee of the Advisory Panel was appointed with the specific mandate to develop such a plan for positive action in the mortgage investment field. The Subcommittee's unanimous Report, which received separate written endorsements from the District of Columbia Bankers' Association, the Metropolitan Washington Savings and Loan Leagues, and seven consumer members of the Advisory Panel, is attached. Its major features are embodied in the Resolution being presented, along with the Usury Regulation, as an integral part of the "usury package".

Legislative Findings

On the basis of the Record, the available data and the continuing pattern of escalating interest rates, the Housing and Urban Development Committee concludes that the eight percent ceiling on mortgages and many commercial loans is an active disincentive to investment in the District and detrimental to the interests of its citizens. Most directly affected by this "tight money squeeze" are the potential home buyers and sellers in the District who for many months have been unable to get financing. According to all the evidence and the many complaints which have come to the Committee, mortgage financing has virtually become unavailable except for the most preferred low risk buyers with sizeable down payments, the best line of credit with financial institutions, and the ability to pay "points" under the counter. The complaints are corroborated by the statistics: In the first five months of 1974, Savings and Loan Associations made only 307 loans on District of Columbia real property, as contrasted to 895 in the first five months of 1973.³ In these same five months of 1974, the total amount loaned on D. C. real property by all financial institutions was little more than half the amount loaned in the comparable period in 1973.⁴ And, in these same five months, building permits issued in the District of Columbia

3. "Deeds of Trust Recorded in the District of Columbia", May, 1974, Lawyers Title Insurance Corporation.

4. Ibid.

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dived from 498 in 1973 to 283 in 1974.⁵ What these statistics tell us is that the impact of the tight money market reaches beyond those who cannot borrow in order to purchase homes. It results in a tangible negative economic drain for the city as a whole, diverting District deposits outside of the city, keeping potential funds out, and contributing to the curtailment of housing starts and commercial development in the city.

The factors which place the District at a serious disadvantage in competing for scarce mortgage and investment funds so long as it maintains its eight percent ceiling are familiar to all of us:

(1) The inability to compete with other areas of the country with higher interest ceiling (42 states), particularly the neighboring jurisdictions. Maryland's ceilings now stand at 10% for first mortgages and 12% for second mortgages; all commercial loans above \$100,000 are exempt. In Virginia, which has no ceiling on first mortgages, and a flexible rate for second mortgages, first mortgage rates are currently between 9 and 9 3/4 percent, plus points. Given the fact that Savings & Loans can loan within a 120 mile radius, the incentive to loan on District property is obviously at a low ebb.

(2) The inability of the District of Columbia housing market and non-corporate commercial enterprises to compete with other and frequently "safer" investments which pay considerably higher yields than 8% (90 day bank certificates of deposits, 90-day U.S. Treasury notes, commercial paper, etc.) The negative impact on available mortgage money is twofold: On the one hand, former Savings and Loan depositors are putting their money elsewhere; at the same time, Savings and Loans are forced to pay up to 10% in order to secure funds which they can loan for no more than 8% in the District.

(3) The inability of District Savings & Loans to put to local advantage federal funds recently freed for infusion into the mortgage market -- specifically, Federal Home Loan Bank funds being loaned to Savings & Loans at approximately 9% and Federal Home Loan Mortgage Corporation commitments to buy Savings and Loan loans which earn 8.75%.

(4) The prognosis for the money market in the future -- a continuing raise in interest rates which will place the District in an increasingly non-competitive position under the 8% ceiling.⁶

5. "Building Permits Continue Dive", Washington Star-News, June 15, 1974, p. D-1.

6. Since Oct., 1973, the prime interest rate, major indicator of the money market rates, has risen from 9.75% (the highest level in history) to a current rate of 11.5%. See also "Interest Rates Won't Drop", Washington Star-News, June 14, 1974, p. D-1.

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In short, past studies and the Record indicate that some redlining does occur in certain areas of the District of Columbia which are classified in toto as high risk lending areas. The Record also reveals that few if any proponents of expanded usury exemptions or higher interest ceiling were willing or able to predict, in the face of persistent questioning, that increases in the usury ceiling would substantially increase mortgage availability or commercial investment in the District, particularly in the "less attractive" areas of the District.

As already indicated, the underlying purpose of this regulation is to attract more money into the District and to make mortgage financing proportionally available to all areas of the city and to marginal income buyers who, though reasonable credit risks, have been largely shut out of the mortgage market. The Committee considers these purposes of equal importance to the welfare of the city. Furthermore, the Committee concludes that the latter intent is likely to remain unfulfilled in the absence of specific sanctions or incentives applied from within and without the financial community. In response to this conclusion, the Committee has provided for the following within the "usury package":

(1) Automatic termination of the 10% ceiling on home mortgage two years after effective date of this regulation. At that time, the Council will decide whether extension, amendment or termination of the ten percent ceiling serves the best interest of the community. In making the above determination, the extent, nature and flexibility of mortgage investment by the District's financial institutions shall be primary considerations. It is the expectation of the Committee that all financial institutions, particularly the Savings and Loans Associations, will substantially increase their mortgage investments in the District of Columbia, particularly in areas previously short changed, and particularly with respect to moderate and marginal income buyers. It is the mandate of Commission being established in this usury package to assure that this comes about, through implementation of the specific tasks and deadlines which the Commission has been assigned. The final report of the Commission, due three months prior to termination of this Title, will reflect the progress which has been made and serve as a major determinant for Council action at the time of termination.

(2) Specific provision for review (Sec.402 of the Regulation) by the Committee, within one year of effective date of this regulation, of the impact of the regulation, including a report and recommendation for Council action. This provision is intended to serve as an interim review prior to the report required above and to address itself particularly to the impact of the exemptions granted in Title III upon commercial investment in the

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District. One year from this date the Council will have a broad spectrum of new authority to regulate financial institutions and to create incentives for investments in the District, should such be warranted. The Council, for example, will have the authority to reduce the tax rates of District financial institutions in proportion to their mortgage and commercial investment in the District - a measure already in effect in the state of California.

Specific Provisions of the Regulation: Comment and Findings

1. The 11.5% ceiling on second mortgages

Because second mortgages are by definition higher risk mortgages over which first deeds of trust take precedence, they carry in many jurisdictions higher allowable ceilings than first mortgages. In the District of Columbia, the eight percent ceiling on second mortgages has presented a particular problem for many existing home owners - the inability to borrow on the equity they have built up in their property. Under the 8% ceiling, loans secured by second mortgages on existing equity in a home have been virtually unattainable. Given the reality of today's money market, the same would be true under a 10% ceiling, since second mortgages are inferior loans. For many District home owners the substantial equity they have accrued in their property, by virtue of long payments and its inflated value, is the only asset they possess. The inability to use this asset to borrow money for necessary and legitimate expenses - such as sending a child to college - often presents a real hardship. Against this background, the Committee finds the proposed 11.5% ceiling on second mortgages is eminently reasonable, particularly in view of the consumer protections which condition this ceiling in the proposed regulation.

2. Consumer Protections

In response to testimony presented at the hearings and an escalating movement throughout the country, the regulation incorporates certain consumer protections for home buyers and mortgages. In incorporating these protections, the Committee has attempted to consider their impact upon mortgage availability in the city as well as the need for protection for consumers. The Committee is keenly aware of the fact that further consideration should be given to expansion of the protections included and to possible additional protections.

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It is the expectation of the Committee that the Council, in its one-year review, report and recommendation as described above, will include careful consideration of the need for further protections and recommend action to the Council accordingly.

Separate mention should be made of two consumer protections applying specifically to second mortgages - the prohibition against balloon payments and the non-negotiability of such mortgages. These two protections were included in response to testimony at the April 3 Hearing and an earlier Hearing (November 1971) concerning second mortgage abuses. The latter revealed that the most prevalent abuses (frequently perpetrated in connection with home improvement sales) related to the assignment of such mortgages to a third party and to provisions for balloon payments which were an easy opening to foreclosure. It is the conclusion of the Committee that the newly elected Council should address itself to the overall problem of second mortgage regulation. The consumer protections described above are presented as a first step to address the worst abuses in the field.

Mr. Chairman, I move that the Council adopt the attached Usury Regulation.

Attachment

STATEMENT OF MAYOR WALTER E. WASHINGTON UPON APPROVING
REGULATION 74-46 TO MODIFY THE TIME STANDARD FOR
PROCESSING APPLICATIONS FOR PUBLIC AND MEDICAL ASSISTANCE.

Today I have approved Regulation 74-46 which will require decisions on whether to approve or disapprove applications for public assistance to be made within 45 days and applications for medical assistance to the disabled to be made within 60 days from the date of the application, except in specified unusual circumstances. I have taken this action because I believe it is in the best interests of the clients which the District Government serves.

By approving this regulation the District Government will be able to conform with existing Federal requirements permitting states up to 45 days in disposing of public assistance applications. This Federal requirement takes into consideration the fact that most states are currently determining and redetermining eligibility for public assistance on the basis of verification systems in order for the states to avoid loss of Federal reimbursements should their error rates on ineligible cases and overpayments exceed established Federal tolerance levels.

The Federal authorities recognize that additional time is required to process applications under the verification system than was the case under the declaration method for processing public assistance applications. The declaration method had a Federal requirement that applications be processed within 30 days but this system has been abandoned by virtually all states in favor of the verification method.

While this regulation will enable the District Government to take up to 45 days in processing public assistance applications, the city will make every effort to process such applications as expeditiously as possible. I want to emphasize that any applicant for public assistance who is confronted with a critical need for funds to meet his basic necessities for food, clothing and shelter, either at the time of application or at any point prior to notification of the application decision, will be promptly referred to the emergency assistance program. In this manner critical hardships can be avoided.

I also think it is important to emphasize the distinction between the extension of up to 45 days for processing public assistance applications permitted by this regulation and the matter before Judge Robinson of the U.S. District Court. The Court has ordered that applications must be processed within 30 days on the basis of the requirements of the current D.C. regulation which sets a 30 day maximum. The regulation I am approving will change that maximum in recognition of needs created by changing Federal requirements.